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WITHDRAWN

THE AMERICAN PHILOSOPHY OF EQUALITY

By T. V. SMITH

Equality, in its present vague status, has lost much of the meaning that the founders of this country attached to it. In his book Mr. Smith has set out, in effect, to rescue from oblivion whatever truth the earlier doctrine contained. If the concept of equality is to continue in the fundamental place it has held in our political, religious, and social assumptions, it must certainly be restated in terms more applicable to current situations. "Perhaps men are not actually equal," writes Mr. Smith, "but even so, they ought to be treated more equally than they now are, for in that way they really can be made more equal."

THE AMERICAN PHILOSOPHY OF EQUALITY

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THE AMERICAN PHILOSOPHY *of* EQUALITY

BY

T. V. SMITH

PROFESSOR OF PHILOSOPHY
THE UNIVERSITY OF CHICAGO

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PREFACE

IDEALS, like men, should be judged against the background of their pretensions. As over against fact-words, "equality" is an emotive-term. A factual connotation has not always been denied the word; indeed, such has at times been affirmed. But the primary pretension of the term has not been either to affirm or to deny facts but rather to bestir feeling and to initiate action. To say so ought not to belittle its function. Certain it is, however, that this use has tended to inhibit impartial evaluation of the claim of equality. Whether for this reason or for another, the critical consideration that the concept of equality has received in America is not at all commensurate with the fundamental place it has held in our political and religious and social assumptions. In early America the claim of equality rested on an inherited philosophy of natural rights; but that it rested on something more also is suggested

by the fact that the belief in equality outlived that dogma. In this new land where food for all depended upon the labor of all, obvious inequalities were impracticable. But as fast as Americans could with impunity rear a structure of social inequality, they did so. Central, however, both to the philosophy of natural rights before, and to its early successors in theory after, the downfall of slavery, was a conception of human nature that made the core of personality something transcendentally derived and in fact and by right immune from any thoroughgoing social transformation.

But now that, following Darwin and the creation of the social sciences, the human individual is held to be socially constituted, whatever truth there was in the earlier doctrine of equality must be stated in terms more adequate to our present insight or be lost to the social process. We cannot afford to lose so effective a weapon of protest as this claim has proved itself to be, least of all at the very time when universal equalization of men and particularly now of women in politics might make their undying protest against injustice effective in the

field of economics. The claim can be made more fruitful than heretofore only by truer insight into human nature, of which the claim is predicated. Individuality *given* to the social process is a fiction; individuality *acquired* in the process is real. Men *are* what they *function as*. The appeal to the practical fruits of the claim of equality for its justification rather than to the metaphysical or theological roots of individuality is here emphasized; and equality is held to be justifiable as a claim of right, apart from any arguments based upon the metaphysical nature of man. If men are not actually equal, they nevertheless ought to be treated more equally than they now are, as regards access to education, distribution of economic opportunities and goods, and participation in other privileges. In defense of this "ought" it is argued that human nature is dynamic, that by such treatment men can actually be made more equal than they are, that such equality is desirable because it conditions co-operation, that some measure of co-operation is prerequisite to any human life at all, and that a maximum of co-operation is the *sine qua non* of that good life to

which the social prophets and spiritual seers of mankind have long pointed the way.

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T. V. S.

University of Chicago
Memorial Day, 1927

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CHAPTER I

EQUALITY AND THE DECLARATION OF INDEPENDENCE

THE early American doctrine of equality, officially expressed in 1776,[1] had its basis (1) somewhat in American conditions of living, (2) more in the kind of people who came as colonists, but (3) most consciously of all in religious and political theories long evolving out of European conditions.

I

It was De Tocqueville[2] who, first of all observers from abroad and perhaps most of all, was impressed by the compelling nature

[1] The two best-known forms being in the Declaration of Independence, "All men are created equal . . . . ," and, almost a month earlier, in the Virginia Declaration of Rights, "All men are by nature equally free and independent. . . . . "

[2] "The more I advanced in the study of American society, the more I perceived that this equality of condition is the fundamental fact from which all others seem to be derived, and the central point at which all my observations constantly terminated" (*Democracy in America*, I, Introduction, p. 1).

of American conditions of life. There was throughout the world, thought he, an irresistible impetus toward equality (with which he identified democracy);[1] but hostile conditions both social and natural would long delay its realization in Europe. In America, on the other hand, he saw Nature in league with the universal force making for equality. What was inevitable, but distant for the Old World had, therefore, come naturally and quickly in the New World. Like tobacco, democracy had been found indigenous to American soil. Even the American Indians, "although they are ignorant and poor, are equal and free."[2] "The soil of America was opposed to a territorial aristocracy."[3] "Thus, as the condition of society was democratic, the rule of democracy was established without difficulty."[4] So pervasive was this spirit, as he thought, that "Democracy has gradually penetrated into their customs, their opinions, and their forms of social intercourse:

[1] *Ibid.*, Introduction.

[2] *Democracy in America*, I, 27.

[3] *Ibid.*, p. 35.

[4] *Ibid.*, p. 409.

it is to be found in all the details of daily life, as well as in the laws."[1]

What De Tocqueville saw already accomplished in America in the first part of the nineteenth century others had in earlier days vaguely foreseen. Colonists who came expecting to make America a New England in fact as well as in name (and there were many such) were yet to learn that, though man proposes, nature often disposes. General Carleton voiced this truth out of an experience, enlightening if somewhat disappointing, when in a letter he declared:

> It may not be improper here to observe that the British form of government transplanted into this continent never will produce the same fruits as at home, chiefly because it is impossible for the *dignity* of the *throne or of the peerage to be represented in the American forests.*[2]

Hardly more true of politics than of man's various other interests, was the General's observation. The imperative that those who would not work should not eat was not more a command of Captain John Smith than a law of Nature, this implacable nature

[1] *Ibid.*, p. 413.

[2] Andrews, *The Colonial Period*, p. 151. (Italics mine.)

that either would be conquered by man or would conquer him. And as in the presence of this stern task there was no assured leisure, so also there was a strange, almost ludicrous, unfitness about all the social equipage that under other conditions served to give prestige to a leisure class.[1] "To bring that refractory land into cultivation," says De Tocqueville, "the constant and interested exertions of the owner himself were necessary; and when the ground was prepared, its produce was found to be insufficient to enrich a proprietor and a farmer at the same time."[2]

Indeed, as Turner observes,

> The wilderness masters the colonist. It finds him a European in dress, industries, tools, modes of travel, and thought. It takes him from the railroad car and puts him in the birch canoe. It strips off the garments of civilization, and arrays him in the hunting shirt and moccasin. . . . . In short, at the frontier the

[1] Connecticut enacted a statute in 1679 penalizing with taxation on an "150 pound estate" all who displayed conspicuous adornment or "other superfluous trimmings" in dress, because "excess in apparell amongst us is unbecoming a wilderness and the profession of the gospell" (Weeden, *Economic History of New England*, I, 288).

[2] *Democracy in America*, I, 35.

environment is at first too strong for the man. He must accept the conditions which it furnishes, or perish.[1]

This description has peculiar force as applied to the first colonists. Progressively the receding frontier became frontier to an ever more accessible and ever more sufficient back-country; but, due to uncertainties of ocean travel, the very first settlements in America were severely detached; they were frontiers to the bleak Atlantic. Under such conditions, irrespective of the character of the colonists, a liberal practice of equality was sure to arise. When the inhabitants are few and their common alternative is to win a living or perish, co-operation is a necessity; co-operation implies a working equality; and practice tends to produce a theory compatible with it.

II

This tendency toward equality, indigenous in the very physical conditions, was strengthened, moreover, by the kind of colonists who first came to America. Taking the early colonists all in all, there was, of course, generous variety among them. "The

[1] Turner, *The Frontier in American History*, pp. 3, 4.

people were of many origins, many minds, many varieties of temper, and grades of mental activity; and, as was to be expected, they differed very widely in their ideas on religion, conduct, and morals. They were Puritans, and Anglicans; they were English, French, German, and Scots."[1] But with this variety, there was also a very real homogeneity. As De Tocqueville observed, "whilst the hierarchy of rank despotically classed the inhabitants of the mother country, the colony approximated more and more the novel spectacle of a community homogeneous in all its parts."[2] The men of wealth, the political leaders, the social élite, would hardly face an uncertain ocean and a more uncertain continent in order to hazard what was for them already secure. Some such personages did interest themselves in America; but for the most part their interest went no farther than to obtain grants of land, organize companies, and then send others to face the perils of the New World. Even such participation as this grew less frequent as it became evident, through re-

[1] Andrews, *Colonial Folkways*, p. 232.

[2] *Democracy in America*, I, 43.

peated discouragements, that America's gold must first be found and mined before it could be minted.[1] A few gallant gentlemen-adventurers like Sir Walter Raleigh and Sir Humphrey Gilbert, moved perhaps primarily by motives other than economic, persisted even to their own economic detriment in efforts to get America settled. But all such were notable exceptions. "Those who sought for permanent homes proved better colonizers than those whose chief aim was to promote plantations for personal pride and commercial advantage."[2] Those who actually settled America, though differing in countless other ways, were from the same economic stratum; they were men, who having once succeeded, had failed, or men who, like the great majority, had never succeeded at all. "The prosperous preferred to remain at home, and the colonizing com-

[1] Becker, *Beginnings of the American People*, p. 47.

[2] "Those who looked to America for great financial profit or immediate political advantage were disappointed. The seventeenth century had run half its course before the colonies became an important asset to the English government; no gold came from them to enrich its treasury, few supplies to furnish its navy, while the revenue derived from its slowly growing trade was insignificant" (Becker, *op. cit.*, p. 47. Cf. also, Andrews, *The Colonial Period*, p. 42.)

panies had to take any that could be got of any sort on any terms."

The glowing accounts which reached England appealed to those of every class whose straitened circumstances or unsatisfied ambitions disposed them to a hazard of new fortunes. The yeoman farmer, whose income was small and whose children would remain yeomen; the lawyer and the physician, the merchant and the clergyman, ambitious to become landowners and play the gentlemen; younger sons of the country gentry, for whom there were no assured avenues of advancement: these felt the call of the New World. Fretted by social restrictions, or pinched by rising standards of living, they saw Virginia in the light of their ideals, and were willing to exchange a safe but restricted position for the chance of economic and social enfranchisement.[1]

The Separatist immigrants, almost without exception, and the Puritan immigrants of New England, in spite of relative exceptions, belonged also to the dispossessed class. The economic motive, the universal hunger for land, was not thought incompatible with their avowed pilgrimage to a better world. If they regarded a land where they might have religious freedom as their supreme good here on earth, they, neverthe-

[1] Becker, *op. cit.*, p. 70.

less, like Kant, had devotion left for a complete good—religious freedom crowned with economic prosperity.[1]

Whether, then, the colonists were religious refugees, as in New England and Pennsylvania, or hired men working under martial law, as in early Virginia, or indentured servants, as in the case of so many of the early German immigrants, or the thrifty, but for the most part poor, Scotch-Irish that came later—they were such Europeans as had more to expect from chances cast in unexplored America than from chances continued in their already exploited homelands. They were such persons as the home country was more often than not glad to be rid of.[2]

[1] Cf. Winthrop's quaint comparison of the relative advantages of the Old and the New World. "The land grows weary of her inhabitants, soe as man is heer of less price amongst us than a horse or sheep. . . . . We stand here striving for place of habitation (many men spending as much labour and cost to recover or keep sometimes an acre or two of land as would procure them many hundred as good or better in another country) and in ye mean tyme suffer a whole continent as fruitful and convenient for the use of man to lie waste without any improvement" (quoted from *ibid.*, pp. 94, 95).

[2] In regard to colonizing the West Indies, it was remarked in England of that day that "by taking off one *useless* person, *for such generally go abroad*, we add twenty blacks to the labour and manufactures of the Nation." (Italics mine.)

As Andrews has concisely delineated them:

The colonists were not conservative, satisfied and prosperous Englishmen; they were as a rule the discontented and restless adventurers, the poor, the vagrant, and even those of the criminal class,[1] or else they were those whose views of government and religion did not accord with the practices which prevailed in England.[2]

While this description is meant only for English colonists, it does no injustice to colonists other than English.

III

These two impulses toward equality De Tocqueville has well summarized in his observation that, "The happy and the powerful do not go into exile, and there are no surer

[1] The deportation to the colonies (especially to Maryland and Virginia) of actual criminals, chiefly non-political too, was so common as to arouse vigorous protests on both sides of the Atlantic. Francis Bacon declared that "it is a shameful and unblessed thing to take the scum of people and wicked condemned men to be the people with whom you plant" (*Essay of Plantations*); and the Virginia Assembly in 1617 prohibited the importation of convicts (though the prohibition was overruled by the king). Whatever the total number of criminals foisted thus upon unwilling colonies, it is known that during the period 1717–75 there were sent from one English jail alone (the Old Bailey) more than 10,000 convicts (see Butler's account, *American Historical Review*, II, 12 ff.).

[2] Andrews, *The Colonial Period*, p. 59.

guaranties of equality among men than poverty and misfortune." But it is neither to the substantial economic equality of the early immigrants nor to the physical conditions making for equality that the Declaration of Independence appeals as a sanction for its bold claim. It sought for a basis more secure. For these equalities were not of choice, but of necessity. Adaptation that is compelled tends to disappear with the compulsion. Had the demands of colonial living been less rigorous, the sheer force of habit and custom would have kept the early colonists Europeans still. As rapidly, therefore, as adaptation to American conditions led to mastery of them, equality born of the conditions gave way more or less consciously to the inequalities to which European conditions had habituated the colonists.

The exceptions here prove the rule. For even such groups as the early Puritans who came as a protest against, and in order to escape, certain definite Old World inequalities that worked specific and observable injustice found themselves, somewhat uneasily it is true, but for the most part unconsciously, perpetuating in America the very

conditions they had fled Europe to escape. If the return to conditions that they despised was so easy for the Puritans as their early practice of intolerance and persecution indicated, more easy still must have been their perpetuation of inequalities to which they had never consciously objected. And protest against Old World conditions, even among the Puritans, was more specific than general. To the vast majority of colonists, Becker's generalization fairly applies:

> It was discontent not dissent that drove them out. Dissatisfied with their position in the English social system, they were yet well content with the system itself; a system which they were willing enough to establish in the New World in the hope of obtaining in it a more desirable position for themselves. And so it happened that the laborer and the farmer, the small landowner and the master of a great estate, the clergyman and the high official, were disposed to take as a matter of course the position which custom assigned them, and in that position to exercise the authority and render the obedience which was proper to it.[1]

This progress, through the mastery of adverse conditions back to what prior cus-

[1] *Op. cit.*, p. 74.

tom had made habitual, is a story in American history continuous with the influence of the successive frontiers. But it begins with the beginnings in America. Everywhere the principle is the same: inequalities are established and perpetuated as rapidly as is compatible with survival under the strenuous pioneer conditions. Due largely to natural conditions, in Virginia society was quite feudal and aristocratic from the beginning. In New England it was more democratic. But, as Merriam, says, "The Puritans did not entertain doctrinaire ideas about equality of any kind. . . . . They granted equality in civil rights, but did not include equality of political rights even among the adult males."[1] Even their so-called "spiritual equality" conceded "democracy in the Fall" only to introduce "aristocracy in the Redemption."[2] They imitated God in refusing to grant religious equality to all. So far, indeed, was equality from being recognized as a general statement of human relations that a constant struggle went on, culminating in the Revolutionary War itself, against

[1] Merriam, *American Political Theories*, p. 25.

[2] See Osgood, *Political Science Quarterly*, VI, 210.

the social and religious inequalities prevailing.[1]

Not for home rule alone was the Revolution fought, but for the democratization of American society as well. . . . . Half the bitter denunciation of corruption in England was inspired by jealous dislike of those high-placed families in America whose ostentatious lives and condescending manners were an offense to the laborious poor, or to men of talent ambitious to rise from obscurity to influence and power. What Heaven-sent opportunity, then, was this quarrel with Britain for all those who resented the genial complacence with which fortune's favorites, "with vanity enough to call themselves the better sort," monopolized privilege in nearly every colony.[2]

These inequalities that had grown up in early America were not general, far-away distinctions, but very close and concrete distinctions, as Becker goes on to show:

The rigid maintenance of class distinctions, even in New England, where students in Harvard College were seated according to social rank and John Adams

[1] From the penalty for fine dressing, as provided in the early Connecticut statute (*supra* p. 4 n.), magistrates, their families, and military officers, or "such whose quality and estate have been above the ordinary degree though now decayed," were exempt (Weeden, *op. cit.*, I, 288).

[2] Becker, *op. cit.*, pp. 240–41.

was fourteenth in a class of twenty-four, made it presumptuous for the ordinary man to dispute the opinion of his betters or contest their right to leadership: to look up to his superiors and take his cue from them was regarded as the sufficient exercise of political liberty.[1]

How completely enshrined in the heart of even the democratic New Englander were the social distinctions of the old England that had gladly ridded itself of him, may be

[1] *Op. cit* p. 166. Further light of the same sort is thrown upon the curious meaning given to equality among the Puritans by the Lancaster town records (1653). After referring to the first division of land, which had alloted the *same* amount to each man, the record declares: "Yet that Equallitie (which is the rule of God) may be observed, we Covenant and Agree, That in a second Devition and so through all other Devitions of Land the mater shall be drawne as neere to equallitie according to mens estates as we are able to doe, That he which hath now more than his estate Deserveth in home Lotts and entervale Lotts shall have so much Less: and he that hath Less than his estate Deserveth shall have so much more" (quoted from Turner, *op. cit.*, p. 61).

This citation indicates how seriously they took the biblical doctrine of distribution upon the basis of what men already have (Matt. 25:29). This interpretation, which they declare to be "the rule of God," was also in keeping with Locke's view. He counseled equality "unless the Lord and Master of them all should, by any manifest declaration of his will, set one above another . . . . " (*Civil Government*, II, 4). The Puritans had found in the "estates" of men the sign needed for the application of Locke's philosophy of equality in keeping with the will of God.

seen obliquely reflected in the Puritan conception of the Deity. Religious ideas are closely connected with social and political ideas. "Ideal constructions are doubtless the psychic precipitates of social experience."[1] God, whom the Puritans professed to love supremely, was a distinguished social superior. Indeed, he was a majestic lord, imperious, powerful, sovereign. He was the religious counterpart of the head of the English aristocracy; he was the head of the celestial hierarchy. The Mayflower compact was signed by "the loyal subjects of our dread Lord King James"; and daily prayers were addressed to Mather's God, a being "almighty, absolute, working all things according to the counsel of his own immutable will, for his own glory." The connection here between the ideal religious order and the existing social and political order is as close, even if unconsciously so, as it is in the *Leviathan*, where Hobbes in studied devotion characterizes the sovereign power as "that mortal god, who hath the use of so much power and strength conferred on him, that by terror thereof he is enabled to perform the wills of

[1] Becker, *op. cit.*, p. 83.

them all."[1] So obvious is this relationship that Riley's invidious comparison can hardly be considered odious. "The Puritan divinity," says he, "was too much like the Stuart dynasty to be long acceptable to Anglo-American independence. Special providence, exerted in behalf of the elect, bore too striking a resemblance to his Majesty's partiality to a favored few."[2] It is not singular in the light of this conception that the same struggle that in Virginia sought primarily to abolish entails and slavery was directed in Massachusetts not only against the intolerance of the godly but also in time against the Deity as conceived.

It is no mere accident, then, that those who incited and led the rebellion against King George were deists or deistically inclined persons who had first led a quieter revolt against the Calvinistic God.[3] Where

[1] Morley ed., p. 84. [2] *American Philosophy*, p. 26.

[3] The extent to which the deistic spirit had permeated the Revolutionary leaders is indicated by the fact that, when Franklin moved that prayers be held in the Constitutional Convention, he added that the convention, except for three or four persons, held prayer to be unnecessary (see note appended to Franklin's "Motion for Prayers in the Convention," Van Doren, *Franklin and Edwards*, p. 188).

men must as inferiors accept eternal salvation from a theological superior or be eternally damned, they must also as inferiors accept temporal amelioration from social and political superiors. De Tocqueville had observed this relation and expressed it in the observation that human equality as a condition leads easily to pantheism as a religion.[1] Deism as represented in America by Jefferson, Franklin, Paine, *et al.*, was but a halfway-house on the road to the goal that De Tocqueville correctly foresaw, even if he

[1] *Democracy in America*, Vol. II, chap vii. Thinking of the same tendency, Faguet indicates that in modern France democracy and atheism tend to go together. The democrat finds that "God is a limit. God is a restraint" (*The Cult of Incompetence*, p. 208). It is well enough, moreover, to remember that those philosophers and theologians of our own day who find a close connection between democracy and religion do so usually by adopting a conception of God that in times of stricter orthodoxy would certainly have been denominated "atheistic." A cautious suggestion of such a conception is found in Dean Shailer Mathews' discussion of "Democracy" (*Dictionary of Religion and Ethics*, p. 128; cf. also, his discussion of "Deism," *ibid.*, p. 127); a clearer avowal, but still conciliatory, is evident in Professor G. B. Smith's *Social Idealism and a Changing Theology;* and a thoroughly explicit and frank presentation of such a conception of God as makes all-important the democratic process is found in Professor E. S. Ames's *The Psychology of Religious Experience* (esp. chaps xvi and xxi), *The New Orthodoxy*, and "Validity of the Idea of God" (*Journal of Religion*, October, 1921).

did not correctly name it. The aristocratic ideal that was always at least latent in the religious doctrine of the northern colonies, as well as the social aristocracy that was actual in the southern, helps to explain why the basis for the early American doctrine of equality was sought elsewhere than in America. The American Revolution, while primarily a revolt against the English governmental irritation, was at the same time a vigorous protest, and in many cases quite deliberately so, against American inequalities that in kind, if not in degree, matched perfectly those of European growth. And the philosophy of equality is but a corollary of a larger idea-system that had already been found to be a useful instrument of destruction against all sorts of inequalities and oppressions. We must turn from American conditions to European theories for a completed foundation of the early American doctrine of equality.

IV

At least a century before the American Revolution, the warring theories in England, and more or less on the Continent, had

already reached the significant stage of agreement upon one important point. This point was the social contract theory of the state. Hobbes, apologist for absolute sovereignty, no less than Locke, philosophic voice of the English revolt, believed (1) that man as individual antedated man the citizen, (2) that men in their natural state were free and equal, (3) that men formed government voluntarily for purely prudential reasons, and (4) that the origin of government casts light upon the conditions of its maintenance.

The equality of men, upon which Hobbes and Locke fundamentally agreed, was integrally and indissolubly tied up with the conception of a state of nature from which men passed into government by mutual agreement. Whether the state of nature was thought of as historical or as merely psychological,[1] equality was one of its invariable characteristics. Neither Hobbes

[1] Pufendorf clearly indicates that these two uses of the expression "state of nature" were certainly recognized, if not always consciously discriminated. He declares that the term "may properly be used in either of two senses: first, as designating the residual attributes of the concept, 'humanity,' when abstraction is made of the qualities and conditions which are due to civilization and en-

nor Locke, as a matter of fact, insisted upon the term in the historical sense. Without categorically renouncing the historical sense, Hobbes leaves the impression that he uses the term in its psychological meaning; whereas Locke, while nibbling again and again at the historical bait,[1] never quite commits his case unreservedly to history as a *sine qua non* of its validity. But Hobbes and Locke are at one in insisting that pre-political men were (both free and)[2] equal.

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lightenment; and second, as designating an actual condition which has prevailed at some time among each of the various races of men, though not necessarily among all at the same time" (quoted from Dunning, *History of Political Theories*, II, 319).

Vacillation between these two meanings was not thought of severe consequence so long as one could quite readily appeal, with Paine, from "antiquity to antiquity more remote," without fear of being caught up. Then, too, the historical sense is a product of very recent times. We feel more keenly than would have the men of even Locke's time Sir Henry Maine's stricture: "The law of Nature confused the Past and the Present" (*Ancient Law*, p. 76).

[1] It is easy to infer from Locke's vivid phrases that he was a visualizer and found it much easier to understand himself when he saw his meaning given a "local habitation" among the American aborigines or elsewhere. The state of nature was a very vivid concept to him, even if he would not submit his case irrevocably to history.

[2] The distinction, or the real relation, between the concepts "liberty" and "equality" has been so persistingly obscure that in

Hobbes postulates,

Nature has made men so equal in the faculties of the body and mind, as that though there be found one man sometimes manifestly stronger in body or of quicker mind than another; yet when all is reckoned together, difference between men is not so considerable, as that one may claim to himself any benefit to which another may not pretend as well as he. . . . . Nature hath given all to all.

But this equality was far from an unmixed blessing; indeed, it became a source, if not the source, of all the natural man's woes. Men were kept so busy asserting their rights and defending them against all comers that they had no time to enjoy either rights or possessions. The isolation of man was accompanied by such ruthless self-assertion that the state of nature was really a state

---

the history of their use, as in Socrates' renowned fable of pain and pleasure, where one has appeared the other has soon followed. Not even Hobbes with his proclivity for sharp definition seeks to detach their meaning. Rather than make a distinction where no difference was intended, I shall in this historical sketch speak of equality without trying to isolate it. It would seem, however, that the confusion of them could be unimportant only when, and because, the ground for their existence is in some far-off state of nature that either has been or may be, but is not now. It is well to remember that in modern theories these concepts have been sharply contrasted as enemies rather than yoked together as twins.

of incessant warfare in which man's hand was against everyone and everyone's hand against him. Through stern experience, then, liberty and equality were found to be valuable only when they were accompanied by security; and security could be obtained only by at least a partial surrender of them. "Men," said Hobbes, "have no pleasure, but on the contrary a great deal of grief, in keeping company, where there is no power able to over-awe them all."[1] Seeing that in the reign of unrelieved equality the life of man was "solitary, poor, nasty, brutish, and short" and that the only possible relation between men was *bellum omnium contra omnes*, men invoked the restraint of government to escape the constraint of their peers. The state of nature was so unendurable that sheer prudence dictated the acceptance of tyranny from one rather than endure violence from all. This passage from nature to government meant to Hobbes an exchange of equality manifesting itself in violence for inequality based on consent. Not only is equality here bargained away for inequality; but the contract is drawn in such a fashion

[1] *Leviathan*, chap. xiii.

that it, unlike an ordinary bilateral contract, is irrevocable. The sovereign is made the beneficiary of, without being made a party to, the agreement; and so "there can happen no breach of covenant on the part of the sovereign."[1] The rigor of this conception, if not softened, is at least made bearable by the terror of the only alternative, *bellum omnium contra omnes*.

Locke is equally emphatic with Hobbes that equality was a mark of the state of nature. "Men being by nature all free, equal and independent, no one can be put out of this estate and subjected to the political power of another without his own consent."[2] Locke, moreover, descends to details in characterizing this equality. Property—the potential basis of inequality[3]—existed in the state of nature, according to him; but his ingenious restriction of it to what one can "turn to his own use and no more"[4] guaranteed equity of possessions, since there was

[1] *Ibid.*, chap. xviii. [2] *Civil Government*, II, sec. 95.

[3] Even under government Locke minimized inequality in property by limiting one's property to "whatsoever . . . . he hath mixed his labour with" (*ibid.*, sec. 27).

[4] *Ibid.*, sec. 6.

enough to go round. But he sharply disagrees with Hobbes as to the conditions that resulted from the existence of equality and liberty. Not war, but peace, prevailed. Locke says,

> The state of nature has a law of nature to govern it which obliges every one, and reason, which is that law, teaches all mankind who will consult it, that being all equal and independent, no one ought to harm another in his body, health, liberty or possessions.[1]

Since with Locke, prepolitical man was not presocial, the state of nature was happy enough, as far as it went. How far it went, is not certain. In Plato's[2] version of the transfer, the number of desires that each could gratify, when isolated, was so limited that it were better for men to trade off some of their superabundant rights for a little genuine co-operation. Co-operation made far-reaching and effective by division of labor became, as Plato explains it, the way to a richer life than sheer individualism and isolation could afford. Locke does not make out a convincing explanation for the ex-

[1] *Ibid.*, chap. ii.

[2] *Republic*, p. 369.

change, except through darkening his originally too-bright picture of the primitive state;[1] but, through motivation that must have been quite similar to, if not identical with, Plato's,[2] prudence dictated an exchange of some of the natural rights for civil benefits. As the need of exchange, however, did not appear so dire to Locke, he did not pay so dearly as Hobbes for the boon. Though it seems certain that the existence of equality in the state of nature was one of the roots, if not the root, of the inadequacy of the natural state, Locke did not explicitly sacrifice equality in the contract. Not only did men remain equal with one another but they were also in some important sense equal with those who governed. At least citizens were looked on as peers of rulers in the power that an American would likely consider paramount, the power to interpret the contract that defined their relation and to rebel in case the bilateral contract were broken by rulers. The very formation of the contract itself indicates a certain equality to follow as well as to precede. But concrete

[1] *Op. cit.*, II, chaps. ix ff.

[2] Ritchie, *Natural Rights*, p. 25.

equality of men following the governmental contract was of as little concern to Locke, who used the state of nature and equality to overthrow tyrants, as to Hobbes, who used the same state with the same emphasis upon its equality to enthrone "the mortal god." This is a most significant fact, and it indicates the truth about the claim they made of human equality. Neither of them was interested in the social contract theory except as a weapon—a weapon of offense for Locke, of defense for Hobbes. Equality in a state of nature is a fact to them, because, and only because, such a conception is needed to render effective the social contract theory as a weapon. As Ritchie says, "Principles were claimed because of some real or fancied authority in the past."[1] Neither Locke nor Hobbes thought of men's being equal in any very significant present sense.[2]

[1] *Natural Rights*, p. 7.

[2] Hobbes postulated natural equality in order to justify actually existent inequality; and Locke, whose picture of natural equality is far more alluring, is more equivocal regarding actual equality. According to the latter, it is limited to those of "the same species and rank"; is contingent on the will of God; and, finally, in the case of children, seems to exist only as an ideal. (*Civil Government*, II, 4 ff.)

They both approved of actual inequalities among men. And even Locke did not hesitate when building his utopia in America, the *Fundamental Constitutions for the Carolinas*, to provide a hereditary nobility and feudal law consistent therewith. This doctrine of nature, then, as the fount of the contract that created government, constituted the chief, if not the only explicit, basis for a doctrine of human equality in the seventeenth and eighteenth centuries.[1]

Hobbes and Locke have been emphasized because they represent the final form (forms in so far as they diverge) that the social contract theory reached in England.[2] This ac-

[1] This statement is not meant to exclude religious motivation, which was so assumed as the limiting condition of all thought as to need no emphasis. It was "the great Legislator of the universe," as the Massachusetts constitution phrased it, who made it possible for men peacefully to enter into such a "solemn compact with each other." For more explicit recognition of the religious influence in America, see below (chap. iv).

[2] As regards other English sources, Blackstone perhaps deserves mention along with these two. While the *Commentaries* had less than ten years for their influence upon American thought before the Revolution, lawyers were many and influential among the colonists of this period; and 2,500 copies of the *Commentaries* are said to have been imported before the Revolution (Andrews, *The Colonial Period*, p. 185). Blackstone was, of course, greatly

count was the orthodox American theory of government throughout the Colonial period and until the Revolution was safely over. Indeed it was something more than just theory to the colonists. The Mayflower compact, while the first, was only one of the many applications of the theory in the formation of governments on American soil.[1] Locke in particular is to be credited with most of the thought and some of the phraseology of the American Declaration of Independence.[2] The form which Locke gave the

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indebted to Locke; and he rested unequivocally upon the natural and absolute rights of men—life, liberty, property. But the greatest of these was property: "So great . . . . is the regard of law for private property, that it will not authorize the least violation of it, not even for the general good of the whole community" (*Commentaries*, I, 100).

[1] Cf. Osgood, *op. cit.*, VI, 201 ff.; see also Lowell, *Essays on Government*, p. 140 ff.

[2] Ritchie, *Natural Rights*, p. 6. Dunning, on this point, is certain that "The state of nature, as conceived by the Americans, was that of Locke, and had in it no suggestion of Rousseau's 'bon sauvage'" (*History of Political Theories*, III, 92).

Sir Henry Maine seems conspicuously alone in attributing to Rousseau a large influence in shaping the American thought that culminated in the Revolution. Contrary to his thought (*Ancient Law*, chap. iv, pp. 95 ff.), Muzzey, corroborating Dunning and Ritchie, expresses the modern view of the matter in asserting

doctrine, however, was but little more original than was the form implicit in the Declaration of Independence[1]; and Jefferson confessed that he did not regard it his business "to invent new ideas altogether and to offer no sentiments which had ever been offered before."[2] The essentials were common European property when Locke gave them his lucid and attractive and unifying treatment. Belief in a state of nature, in a sense more or less vaguely historical, seems coeval with human reflection; and tied up with this belief as a sort of corollary has gone (with the brilliant exception of Aristotle and

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that "it is doubtful whether Jefferson had read a word of Rousseau's *Contrat Social* in 1776, but for a decade he had been a profound student of Coke and Milton, of Harrington and Locke" (*Thomas Jefferson*, p. 50).

Not only is it improbable that Jefferson knew Rousseau, but even had he known him, it is most likely that Jefferson would have turned for inspiration and ideas to his own countryman Locke, who spoke his language and who stated the essentials of the theory used by Jefferson more clearly than did Rousseau. Sir Henry Maine's attribution of a major influence in this matter to Rousseau can more easily be credited to his desire to discredit the American democracy than to ascertain its theoretical sources.

[1] "There is in Locke's theory but little that had not long been current coin in political philosophy" (Dunning, *op. cit.*, II, 345).

[2] Muzzey, *Thomas Jefferson*, p. 145.

perhaps Plato) some notion of human equality.[1]

Such, then, is the, let us say, spiritual background of American equality as asserted in 1776. The claim is not so much a theory as a doctrine, a doctrine one of the chief dogmas of which is the equality of men. Sir Henry Maine says: "There cannot, I conceive, be any question that to the assump-

[1] The Sophists had some such conception, as is indicated by the remark credited to Alcidamas by Aristotle, "God made all men free; nature has made none a slave" (*Rhet.* i. 13. 1373, b. 18). The Stoics shared and furthered this view; upon Nature they rested their cosmopolitanism; from it they drew their renowned maxim for individual guidance, "Live in harmony with Nature," and by means of their conception of natural law, they profoundly modified the Roman *ius gentium* and through it European legal history (see Ritchie's, *Natural Rights*, p. 35 ff.). Upon Nature, or more often upon its (theological) synonym, God, early Christianity based its doctrine of human equality, in so far as it had a doctrine of equality as distinct from the practice of equality.

In the fifteenth century, political and ecclesiastical theory began to turn more definitely toward a state of nature as the point of departure. Aeneas Sylvius in *Rise and Power of the Roman Empire* (1558) blends with the fancies of Plato and Polybius the Hebrew story of Eden into a primitive golden age in which men were quite free and quite equal. Susanus had already, in *De Concordantia Catholica*, provided a beginning of authority in the doctrine of consent given by man in a state of nature.

Against monarchs who, strengthened by the Protestant doctrine of divine kingship and non-resistance, were everywhere grow-

tion of a Law Natural we owe the doctrine of the fundamental equality of human beings."[1] Whether the language used be religious, as in the Declaration of Independence —"created equal"—or be political, as in the Virginia Declaration of Rights—"by nature equally free and independent"— the appeal is alike to a final philosophic weapon forged in the white heat of successive struggles for advantages in the Old World. The Americans in their struggle for special concrete privileges appeal to whatever sanction promises to be effective: first (1765) it is

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ing oppressive, the anti-monarchic writers of the sixteenth century were influenced more and more by doctrines centering on a state of nature that was not unimbellished by visions of Seneca's golden age, from which kings had arisen only by some sort of contract. This view developed in all European countries: in France it is best represented by *Vindiciae contra Tyrannos* (1579); in Scotland by George Buchanan's *Sovereign Power among the Scots* (1579); and in Spain even more fully by the Jesuit Juan de Mariana's *On Kingship and the Education of a King* (1599), a book dedicated to Philip III of Spain. In England this same tradition through Hooker, Harrington, Milton, and in more extreme form through the English Levellers (among whom the belief in equality would have turned toward concrete distribution of land, but for Ireton and Cromwell), culminated in Locke. It remained for the eloquent Rousseau in the eighteenth century to electrify these old concepts.

[1] *Ancient Law*, p. 92.

"the undoubted rights of Englishmen"; then (1774) not only "the principles of the English constitution and the several charters or compacts" but also "the immutable law of nature"; and, all this unavailing, the final appeal (1776) is to nature herself and to "certain inalienable rights." The motivation here is as clear as in Aristotle's celebrated advice to lawyers to "appeal to the law of nature" when the law of the land proves insufficient. And Thomas Paine justifies anew the age-old practice when, in his ringing call to arms, he explicitly avows, "He who takes nature for his guide, is not easily beaten out of his argument."[1] It well happened for the Americans that Locke, by giving this appeal to nature such classic form in his justification of the English Revolution of 1688, but furnished a ready-made justification for the American Revolution of 1776. The American colonists had thoroughly absorbed Locke and were vaguely aware of the cloud of witnesses that stretched backward from him. As if for a day of need, Thomas Paine and other popular writers kept the tradition fresh before the public mind. Jefferson at the ap-

[1] *Common Sense*, p. 116.

pointed hour but gave the ancient views an immortal form of challenging relevancy, and the Americans laid their honor and their lives upon the laps of the gods. And as they struggled for advantages more concrete in their eyes than general equality, they made use of the claim to natural equality as a weapon with which to redress growing wrongs. Against the dogma of the divine superiority of kings is placed the no less challenging doctrine of the natural equality of men.

CHAPTER II

SLAVERY AND THE AMERICAN DOCTRINE OF EQUALITY

A BACKWARD glance from the Declaration of Independence has revealed something of the motivation of the sweeping claim of human equality contained therein. A forward glance is equally enlightening. From the Declaration of Independence to the Federal Constitution is a long journey, though only thirteen years elapsed and in general the same group of leaders that dared the one lived to construct and adopt the other. They were the same men and yet not the same. "The view," as the Hindu maxim runs, "depends upon the point of view." Equality as a group claim to be made good against a foreign and opposing group is one problem; equality as a principle of reconstruction within the group, quite another. So long as men must hang together—or, as Franklin waggishly remarked, "hang separately"—

it is easy enough to find an unquestioned basis for equality. But when the property and welfare of each does not so obviously coincide with that of all, then the point of view—and with it the view—has fundamentally altered.[1] Such is, in brief, the difference between the Declaration of Independence and the Constitution, the philosophy of which latter is rather fully proclaimed in the *Federalist.* As Merriam has so well put it,

> The Declaration of Independence represented the political theory of the American people when it had "become necessary to dissolve the political bands which had connected them with another." The Federalist represented the time when it had become necessary "to form a more perfect union."

I

This changed point of view of the two periods may well be illustrated from the philosophy of an outstanding leader in both periods. John Adams, who was second to none in his enthusiasm for democratic equality during the Revolution, sicklied his enthusiasm over with the pale cast of discrim-

[1] An alteration clearly shown by Beard, *Economic Interpretation of the Constitution.*

inating thought in later years.[1] Reading into others, it would seem, his own thoughts, he declared that "mankind in general had rather be rich under a simple monarchy than poor under a democracy."[1] And in the last analysis, Adams was convinced that "democracy signifies nothing more nor less than a nation of people without any government at all and before any constitution is instituted." The motivation here is not wholly unlike that of Hobbes: equality is a mark of a pre-governmental state from which government releases men by securing those who have advantages against those who do not have them. It is perhaps not fair too sharply to set the earlier over against the later Adams; but if there is not a genuine desire to deny, there is certainly an unmistakable tendency to qualify. He now sees clearly that "nature . . . . has ordained that no two objects shall be perfectly alike and no two objects perfectly equal. . . . . No two men are perfectly equal in person, property,

[1] *Works* (ed. by Charles Francis Adams), especially in Vol. IV, "Defence of the Constitutions of Government of the United States of America" (pp. 238 ff.) and in Vol. VI the letters that grew out of his apology for democracy (especially pp. 411–26 and 445–521).

or understanding, activity, and virtue."[1] Of course, the framers of the Declaration of Independence would not have asserted absolute equality; but the significant thing is that they did not feel it necessary to say in what respects men are *not* equal. Adams now feels just that need: confidence has given way to questioning. Equality there still is in his philosophy; but the tang and concreteness that appealed to Revolutionary youth have been traded off for the security that maturity prizes: it is no longer such equality as equalizes, but now such equality of rights as secures inequality of possessions. "Every being has a right to his own, as clear, as moral, as sacred as any other being has."[2] And there is here no lingering equalitarian standard for determining one's "own"; it is given as a datum rather than measured by any norm.[3]

The change which Adams seems fairly to

[1] *Ibid.*, VI, 285–86.

[2] *Ibid.*, p. 453, letter to John Taylor.

[3] Adams goes so far as to say, "Democracy has never been and never can be so durable as aristocracy or monarchy; but while it lasts, it is more bloody than either. . . . . There never was a democracy yet that did not commit suicide." (*Ibid.*, pp. 483–4.)

represent was not so much a denial of anything before affirmed as it was a neglect of it. It was a new emphasis invited by a new situation. The prominent place which the doctrine of natural equality held in American political philosophy had been made even more prominent by the inspiring way in which through social compacts government had arisen in a new land. "In that transvaluation of old values effected by the intellectual revolution of the century, it was the fortune of America to emerge as a kind of concrete example of the imagined State of Nature." General equality by nature could, with immunity, mean something more or less concrete in a New World where land seemed unlimited and opportunity beckoned to all. But its failure to mean something concrete would be also more obvious and more resented. As already indicated, there had been observable disaffection at growing inequality before the Revolution. Nor was it always restrained disaffection. Disappointed expectation had now and then turned to bitter rebellion, as in Bacon's revolt in Virginia (1675) and in the Leisler usurpation in New York (1691). But

the issue in these cases had been complicated by the relation of the colonies to a foreign government; and, because of this complication, any assuaging assertion of equality would naturally mean first of all something *against* the foreign government. But with the Revolution won through the efforts of soldiers who fought and humble colonists who sacrificed to make the New World safe for such equality as the Declaration of Independence had asserted to be the common legacy of men, this goddess Equality might be expected to drop at least a curtsy from her lofty abode to men in the world of daily action. Shay's rebellion in Massachusetts (1786) seems to have been motivated by some such expectation. But the answer to any such expectation as may have existed was the reaction which became articulate in the Constitution of 1789, a constitution which presumably sought the common good but sought it through checking any existing tendencies toward radical equality, whether political or economic.

Not that men were then denied or were soon to be denied theoretical equality. Of course they were equal—by nature. But

what of it? The need for declaring it had passed with the winning of the Revolution. The confession of the youthful Emerson—it is significant that the confession was made to his diary—that the maxim that "all men are created equal" was then (1822) believed by nobody except as a convenient hypothesis or as an extravagant declaration[1] is, to say the least, equivocal. Even if the maxim had never been more than an hypothesis (a word of wide scope), it, in proportion to its convenience, was strong then, as it had ever been. Its undiminished vitality is shown by every situation that made opportune the reassertion of equality. Wave after wave of opinion that flowed from the uplands back to the tide-water regions, impact after impact of the West upon the East, culminating at somewhat regular decade intervals in Jeffersonian, Jacksonian, and finally Lincolnian avalanches, showed the abiding strength of the notion that men were underneath all equipage equal still, and that, while their inequalities were man-made, their underlying equality was the work of Nature and was guaranteed by God him-

[1] Riley, *American Thought*, p. 158.

self. Channing, who continued enthusiastically to the end of his life (1841) to assert human equality, expressed anew the faith of America in declaring that among men the observed "diversities . . . . are as nothing in comparison with the attributes in which they agree, and it is this which constitutes their essential equality." Nature, thought he, had seen to it that the diversities that characterize men should not negate their fundamental equality. "The natural advantages, which distinguish one man from another, are so bestowed as to counterbalance one another, and bestowed without regard to rank or condition in life. Whosoever surpasses in one endowment is inferior in others."[1]

Thus in words almost identical with those of Hobbes does nineteenth-century America pay court to sixteenth and seventeenth-century England in reaffirming a natural foundation for human equality. It was this persistence of the natural-rights philosophy in America that kept vital and ready for each need the doctrine of equality. It was now affirmed in political, now in metaphys-

[1] *Slavery*, pp. 18–19.

ical, now in theological, terminology. So long as this foundation remained secure, human equality, whether affirmed or not, was affirmable on demand. But the foundation itself was not forever to remain unquestionable. For along with the successive capitulations of the East to the equalitarian demands of the ever lusty, ever perturbing frontier—capitulations showing themselves in an ever enlarging electorate, in a growing accessibility of the untrained to office, and in a more liberal provision for free land and popular education—there had been growing up under protest, but ever growing, a serious social dilemma that was destined to undermine the doctrine of equality by attacking the inherited idea-system from which it drew its strength.

II

African slavery as a growing issue in America had the virtue of finally forcing a profound consideration of the meaning and basis of equality. In spite of all other admitted inequalities—and they were many—it had been possible to maintain from Hobbes to Channing the *essential* equality of men, by holding either that existing in-

equalities were inconsequential in themselves or that in a full accounting they would neutralize each other. So thoroughgoing, however, were the inequalities involved in slavery, so flagrantly did this institution encroach upon the most fundamental aspects of personality, that no person with the heritage of an Anglo-Saxon could long feel that the inequalities involved in it were either inconsequential or could be so balanced off as to leave the slave equal with his master. Sooner or later the question was inevitable, "In the face of how monumental actual inequalities could natural equality still be meaningfully affirmed?"

As the slavery controversy progressed, it was a matter of frequent assertion and counter-assertion as to whether the framers of the Declaration of Independence had meant to include Negroes in the self-evident truth that "all men are created equal." Be that as it may, it is a fact that though, on the one hand, Jefferson had a certain never fully resolved doubt[1] as to whether the Negro was capable of becoming in all respects the intellectual peer of the white, and that

[1] *Notes on Virginia*, p. 238.

though, on the other hand, Jefferson meant the Declaration of Independence more as an appeal to such an accepted philosophy as would challenge action than as a statement of observable facts, nevertheless, the author of the Declaration of Independence, until the day of his death, found his conscience deeply troubled when he saw on every hand this institutionalized denial of human equality.[1] With slavery in mind, he declared: "I tremble for my country, when I reflect that God is just—that his justice can not sleep forever."

Jefferson's attempt in the Declaration of Independence—one of his many thrusts against slavery[2]—to hold the English throne responsible and censurable for American slavery was thought inadvisable by his col-

[1] He more than once expressed the fear that slavery was to be the rock on which the union would split.

[2] Though it may be that political exigencies sometimes limited his actions, Jefferson's feelings against slavery seem to have been maintained with singular consistency. In presenting an exposition of rights to the First General Congress of the Colonies at Philadelphia, 1774, Jefferson declared that "the abolition of slavery is the greatest object of desire in these colonies." In 1776 he reasserted this attitude both in seeking to write its abolition into the Virginia constitution and in inserting into the draft of the Declaration of

leagues. So, also, any explicit policy regarding it was found impracticable in the convention that framed the Federal Constitution. Unanimity enough to formulate the Constitution and to get it adoped was found possible only by means of golden silence upon this most ungilded subject. But smothered or clamorous, the institution of slavery was destined to continue, as it had already become, the more or less openly recognized challenge, not to say refutation, of the natural equality of men.

Let us hastily recount the history of anti-slavery thought and then seek out its basis. Slavery was very early recognized as the foe of American aspiration. The earliest statute among the colonies for the suppression of slavery, significant even if not enforced, was

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Independence that expressed his own convictions a stinging censure of the English throne for thrusting slaves upon colonies unwilling to become *particeps criminis* in the nefarious business. Again in 1784 he sought to prohibit slavery in the Western territories after 1800. At various times and in various forms he declared his abiding faith that "nothing is more certainly written in the book of fate than that these people are to be free"; "the hour of emancipation is advancing in the march of time"; "that it may finally be expected, and its progress hastened, will be the last and fondest prayer of him who now salutes you."

one passed in Rhode Island, 1652.[1] The earliest pamphlet issued in America against slavery was perhaps one by George Keith, a devout Quaker (about 1693), in which he charged his religious denomination "that they should set their negroes at liberty, after some reasonable service."[2] Another early tract against slavery was printed by Samuel Sewall, judge of Superior Court of Massachusetts, in 1700, entitled, *The Selling of Joseph, a Memorial.*[3] From this time on, pamphlets too numerous to mention never ceased to appear upon slavery, being chiefly against the institution.

[1] *R.I. Records*, I, 248.

[2] His denomination never turned back from the direction thus early pointed out for them. Their annual query in 1743 and again in 1755 inquired whether their members were clear of importing or buying slaves. In 1758 those who disobeyed this injunction were placed under discipline, and with the coming of the Declaration of Independence (1776), those who continued to hold slaves over lawful age were disowned. Not only did they seek to regulate and then to abolish slavery among themselves but at Philadelphia in 1775 they organized the first antislavery society in America, devoted at first to the relief of free Negroes but later (1787), with Benjamin Franklin as its president and Benjamin Rush as its secretary (both of whom were signers of the Declaration of Independence), to the abolition of slavery as well.

[3] Reprinted in Moore's *Notes on Slavery in Mass.*, p. 83.

Following the organization by the Quakers at Philadelphia of their society in 1775, the New York "Society for Promoting the Manumission of Slaves" was organized in 1785;[1] the Delaware society in 1788; the Maryland and Rhode Island societies in 1789; the Connecticut society in 1790;[2] the Virginia society in 1791; and the New Jersey society in 1792. These eight state organizations and two of the many local societies organized in the various states held their first annual convention at Philadelphia in 1794, at which through a joint memorial to Congress they had the use of vessels and men in the slave trade declared a penal offense.[3]

These societies continued to multiply until in 1827, four years before Garrison started his *Liberator*—an event that is pop-

[1] A society having John Jay as its first president and Alexander Hamilton as his successor, and offering, in 1787, a gold medal for the best discourse against slavery to be delivered at public commencement of Columbia College.

The London abolition society was organized in 1787; the Paris society in 1788.

[2] A society having Dr. Ezra Stiles as its first president and Judge Simeon Baldwin as its secretary.

[3] Poole, *Anti-Slavery Literature before 1800*, p. 59.

ularly supposed to mark the real beginning of agitation for abolition—there were one hundred and thirty in the United States, of which one hundred and six were in the slaveholding states. The growth of the movement represented by these societies was persistent, though not steady, for there was a great reaction against the abolition movement upon the invention by Eli Whitney of the cotton gin in 1793, and again in 1830 upon the Southampton insurrection and the insurrections threatening in South Carolina during the same year.

Whatever the specific arguments used at various times, and here of course there was variety, the fundamental appeal common to all the abolition societies was the doctrine of human equality. The slaves who were actually unequal with the whites in so many regards ought to be treated as equal in certain important respects, because they actually were equal by nature in other more fundamental ways. The sanctions on which they relied to sustain this appeal were indiscriminately Nature and God. The challenge which is implied in that vast difference between the declaration of the Connecticut

constitution (1818) "that all men, when they form a social compact, are equal in rights" and the declaration of the constitutions of Mississippi (1817) and Alabama (1819) "that all *freemen*, when they form a social compact, are equal in rights," was consistently met face to face by the ancient doctrine that men and freemen are, in all that makes them *men*, equal and that therefore they ought to be treated equally.

The preamble of the first antislavery society in America, the Quaker Organization at Philadelphia, sets out clearly that the two sanctions on which they relied were "the rights of human nature" and "the obligations of Christianity." Their field they took to be the world, but an unmistakable ministry they owed "in a more particular manner to such of their fellow-creatures as are entitled to freedom by the laws and constitutions of any of the United States, and who, notwithstanding, are detained in bondage by fraud or violence. From a full conviction of the truth and obligation of these principles," they set out to make the natural rights of men effective.[1] Even more explicit-

[1] Needle, *Memoir*, p. 30 (quoted from Poole, *op. cit.*, pp. 42 ff.).

ly does the Maryland society fall back upon the doctrine enunciated in the Declaration of Independence. The preamble declares:

> The common Father of mankind created all men free and equal. . . . . The human race, however varied in color or intellects, are all justly entitled to liberty; and it is the duty and the interest of nations and individuals . . . . to remove this dishonor of the Christian character from amongst them.

In the same vein, but with more sardonic reference to the inconsistency between American theory and practice, is a pamphlet published in 1783, "By a Farmer in London," but widely circulated in America. The full title was *A Serious Address to the Rulers of America, on the Inconsistency of their Conduct respecting Slavery; forming a contrast between the encroachments of England on American liberty, and American injustice in Tolerating Slavery*. This unknown writer gets a grim satisfaction out of arraying in opposite columns "the speeches and resolutions of the members of Congress in behalf of their own liberty, with their conduct in continuing the slavery of others."[1]

There was not needed, of course, a for-

[1] Quoted from Poole, *op. cit.*, p. 8 n.

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eign critic to bring home the sting of this inconsistency. Jefferson was not by any means the only American who was painfully aware of this discrepancy. It is noteworthy that the early abolition of slavery in Massachusetts was not brought about either by executive proclamation or by statute, but apparently[1] by a general declaration of equality. At any rate, the testimony of Chief Justice Shaw upon the point so indicates. He says,

> How, or by what act particularly, slavery was abolished in Massachusetts, whether by the adoption of the opinion in Somerset's case as a declaration and modification of the common law, or by the Declaration of Independence, or by the constitution of 1780,[2] it is not now very easy to determine: it is rather a matter of curiosity than utility, it being agreed on all hands that, if not abolished before, it was by the declaration of rights.[3]

[1] Dr. Belknap thought that the general-equality clause was inserted into the Massachusetts constitution of 1780 for the express purpose—generally understood so by the people—of freeing the Negroes on a general principle (Tucker, *Dissertation on Slavery*, p. 203). But there is dissent from this view of the matter (Poole, *op. cit.*, p. 5 n.).

[2] That is, by the general-equality clause in it.

[3] Poole, *op. cit.*, pp. 55 ff.

Massachusetts was not alone in reading very concrete meaning out of such a general expression of equality as is contained in the Declaration of Independence. The similar declaration of the New Hampshire constitution that "all men are created equally free and independent" was construed to mean that all persons *born* after 1784—the date of the adoption of the constitution—were equally free and independent. A similar declaration, however, in the constitution of Virginia proved but a phrase of glittering ornament without legal meaning.

This same natural rights and religious motif is emphasized by the proceedings of the first national convention of the anti-slavery societies, held at Philadelphia in 1794. Two documents of great interest emerged from this first meeting. The one has already been referred to as a petition to Congress to stop the slave trade. The other was an address "To the citizens of the United States," written by Dr. Benjamin Rush, and adopted by the convention. The religious sanction is most heavily emphasized here. The address declares,

> Domestic slavery is repugnant to the principles of Christianity. . . . . It is rebellion against the authority of a common Father. It is a practical denial of the extent and efficacy of the death of a common Saviour. It is an usurpation of the prerogative of the Great Sovereign of the universe, who has solemnly claimed an exclusive property in the souls of men.

The address closed with a portentous view of the punishment that God might send—yea, in the form of Indian raids, etc., was already sending—upon a perverse generation.[1]

But if this appeal addressed to the public at large naturally emphasized the religious sanction—becoming a sort of call to national repentance—appeals presented to Congress just as naturally emphasized the natural-rights sanction. This is clearly seen in memorials presented to the House of Representatives, December 8, 1791, from societies in six states. The memorial from Pennsylvania, for example, declares: "We wish not to trespass on your time by referring to the different declarations made by Congress, *on the unalienable right of all men to*

[1] Poole, *op. cit.*, 62–63 n.

equal liberty; neither would we attempt in this place to point out the inconsistency of extending freedom *to a part only of the human race.*"[1] The memorialists from Virginia not only believed "that slavery is . . . . an odious degradation but an outrageous violation of one of the most essential rights of human nature," but they also "lament that a practice so inconsistent with true policy and the *unalienable* rights of men, would subsist in an enlightened age and among a people professing that all mankind are by nature equally entitled to freedom."[2]

As the abolition movement under the leadership of Garrison gathered national strength and became genuinely formidable, it carried with it every shade of opinion from the most erratic philosophy of the anarchistic "come-outers" to the more practical program of Lincoln. Amid a bewildering variety of opinions, the one point of agreement, for the later as for the earlier abolitionists, was a belief in the fundamental

[1] Drawn up and signed by Benjamin Franklin, president of the society. This was his last public act. (*Annals of Congress*, I, 1239.)

[2] *Ibid.*, I, 1239.

(natural or religious) equality of men.[1] Lincoln limited the equality doctrine in certain ways but remained steadfast in the belief that this is "a nation dedicated to the proposition that all men are created equal." Garrison mixed with his philosophy the extravagant enthusiasm of an irresistible evangelism, but his unshakable foundation was a human equality founded on nature and sponsored by God himself. Dr. Wayland, the scholarly president of Brown University, whose *Elements of Moral Science* (1835) enjoyed some popularity, appeals to Jefferson's general-equality clause in the Declaration of Independence as a fit summary of his philosophic case against slavery.[2] But it remained for Channing, who used with equal facility the philosophic and the religious emphasis, to drive home the arguments that sounded familiar and dear to American ears.

Man has rights by nature. The disposition of some to deride abstract rights, as if all rights were

[1] Merriam, *American Political Theories*, p. 226. "The point of union was the belief that all men are created equal, and are endowed with certain natural rights which must everywhere be respected."

[2] *Fuller and Wayland on Slavery*, pp. 33–34.

uncertain, mutable, and conceded by society, shows a lamentable ignorance of human nature. . . . . These are gifts of the Creator, not grants of society. In the order of things they precede society, lie at its foundation, constitute man's capacity for it, and are the great objects of social institutions. The consciousness of rights is not a creation of human art, a conventional sentiment, but essential to and inseparable from the human soul.[1]

The equality of nature makes slavery a wrong.[2]

This persistence with which all varieties of reformers rested the case against slavery on natural rights, with especial emphasis upon equality, made it, as Paine had in another connection earlier remarked, very difficult for them to be beaten out of their argument.

III

Of this stubborn fact the defenders of slavery became increasingly aware. Though they ended by doing so, the proponents certainly did not begin by denying the natural equality of men. The hold of the doctrine, even in the first half of the nineteenth century in America, was too strong for that. They felt with Channing that slavery "in-

[1] *Op. cit.*, p. 31. [2] *Ibid.*, p. 19.

volves the gravest questions about human nature and society," but the issue had to become desperate indeed before they sought to answer these questions by a sweeping denial of this most fundamental tenet of American traditions. However it may have been chronologically, the logical steps by which the South passed from uncomplaining acceptance to belligerent rejection of the equalitarian sentiment of the Declaration of Independence are writ large on the pages of such a compilation as *Cotton is King, and Pro-Slavery Arguments*.[1] The process of this transformation is worth reconstructing.

By common consent slavery was regarded in Colonial America as an evil, for the most part an unnecessary evil, chargeable to the mother-country. Even the colonies that later became slave-defending states had gone on record as desiring the slave trade stopped. That this view of the colonists was

[1] Edited by E. N. Elliott, president of Planters' College in Mississippi. Every angle of the South's case is presented by various gifted and representative men who sympathized with the slavery cause. The compilation was published in 1860, but the essays themselves, representing various stages of the controversy, reveal not only the slavery case on the eve of the Civil War, but the process through which the case had been formulated.

not made a part of the Declaration of Independence itself, as Jefferson wished, was due, not to any doubt as to its correctness, but to more extraneous counsels of expediency. So long as this view prevailed—and it certainly outlived the Colonial period—the only question was *when* and *how* to abolish slavery so as to produce the minimum harm to all concerned. But so difficult did this practical question prove that its settlement was postponed until the question began to change to the more gravid one of *whether* and *why*. With the gradual isolation of slavery to southern sections—a process due mainly, if not altogether, to economic laws rather than to moral considerations—a certain sectional difference of opinion grew up—those regions where slavery had not proved economically profitable retaining the view that the institution was an unnecessary evil; those regions where slavery was proving more and more profitable gradually approaching the view that it was a necessary evil. This conclusion was facilitated by the fact that the Negroes had become so numerous that deportation after long and generous discussion had generally been decided

impossible, state payment for them at prevailing prices inexpedient if not economically out of the question, and emancipation without full reimbursement to owners an open infringement of constitutionally guaranteed property rights.

So far the doctrine of fundamental equality has not been questioned. The slave has rights,[1] even inalienable rights;[2] and as regards the *one* right whose importance completely overshadows all others—"the right to serve God according to one's own conscience"—there is actual and blessed equality: "the poorest slave on earth possesses this right—this inherent and inalienable right; and he possesses it as completely as the proudest monarch on his throne."[3] The master "demands no spiritual service of him, he exacts no divine honors."[4] And one

[1] *Cotton is King*, p. vii. [2] *Ibid.*, p. 287. [3] *Ibid.*, p. 329.

[4] *Ibid.*, p. 314. With this panegyric of Bledsoe's, it is instructive to contrast Cartwright's remark that "a discreet white man or woman should always be present to regulate their religious meetings" (*ibid.*, p. 728) and the rule of the Negro church to which Cotton Mather's slave belonged, a rule which declared, "Our coming to the Meeting shall never be without the *Leave* of such as have Power over us" (Weeden, *Economic History of New England*, (II. 450).

"might point out other respects in which men are essentially equal, or *have equal rights*," if he were writing "a treatise on the philosophy of politics."[1] It is not, then, that the *fact* of equality was being denied, but rather that, in order not to "deny the great differences that exist among men"—as some whose zeal outran their knowledge were doing—some discrimination were needed:[2] the period of assertion without definition has passed into the period of definition with varying degrees of assertion.

All admitted that some limitation of individual rights was necessary and just: a felon might justly be deprived of his liberty and a murderer of his life. The question was: "On what principle was the limitation to be based?" The question thus raised settled, rights and benefits could be distributed justly, whether the distribution was always equal or not. Montesquieu was quoted to show that "though real equality be the very soul of a democracy," yet even "equality in a democracy may be suppressed for the good of the state."[3] "The Good of

[1] *Cotton is King*, p. 331.

[2] *Ibid.*, p. 331.

[3] *Ibid.*, p. 335.

the State"—that is the touchstone of justice. "It is the *duty*, and consequently, the *right*, of society to make such laws as the general good demands."[1]

Take that fundamental principle seriously, maintain it consistently, and there need be no further difficulty about rights. "All individual rights are subordinate to this inherent, universal, and inalienable right" (and duty) of society to make the general good supreme.[2] The most sacred right that anyone—slave or free—can have is the right to do his duty, and the duty of all alike is "to promote the general welfare." Even Channing in his argument against slavery—as Professor Bledsoe with pleasure points out—had declared that the slave, "like every citizen . . . . *is subject to the community*, and the community has a right and is bound to continue all such restraints as its own safety and the well-being of the slave demands."[3] "Now this," as the writer continues, "is all we ask in regard to the question of equal rights. All we ask is, that each and every individual may be in such wise and so far restrained as the public good

[1] *Ibid.*, p. 288. [2] *Ibid.*, p. 228. [3] *Ibid.*, p. 328.

demands and no further."[1] Thus, as Bledsoe is at pains to remark, "it may be clearly shown that the doctrine of inalienable rights, if properly handled, will not touch the institution of slavery."[2]

Since, then, the good of all is paramount to the welfare of any, it only remained to indicate how slavery served the common good. This was shown by the fact that slave labor was the indispensable means to the production of sufficient cotton (not to mention tobacco) to supply the minimum needs of mankind.[3] Corroboration for this argument was found in the fact that anti-slave states and even abolitionists themselves continued to receive cotton and to use cotton products.[4] Surely they would not be

[1] *Ibid.*, p. 328. [2] *Ibid.*, p. 286.

[3] No other means had been "demonstrated," so the argument ran; and the failure of England's attempt to produce cotton in India with free labor made it most logical to conclude that slave labor was indispensable. The only question, then, that remained was thought to be whether the slaves should labor in the South to the benefit of America or whether they should labor in Africa to the benefit of England, who controlled most of Africa and would fast be compelled to reduce natives to slaves for the production of cotton, once slavery were abolished in the South (*Cotton is King*, especially chap. xii).

[4] *Ibid.*, pp. 213, 214.

guilty of such an inconsistency were cotton not indispensable to a good life! Verily, Cotton had become king, and slaves were his gracious subjects, serving mankind as they did his bidding!

So inevitably does rationalization work to provide compensations that the conception of a "necessary evil" bears within it the seeds of its own destruction: the conviction that slavery was necessary worked gradually to dissipate the conviction that it was evil. Cotton alone would have justified slavery on the greatest-happiness principle; but there were many other compensations. Professor Dew gave slavery credit for having produced among the whites of the slaveholding states as nearly a "perfect spirit of equality . . . . as can be expected or even desired in this world." And that was, thought he, no small tribute, for "it is this spirit of equality which is both the generator and preserver of the genuine spirit of liberty."[1] Governor Hammond of South Carolina, in the same sentence in which he "repudiates, as ridiculously absurd, that much lauded but nowhere accredited dogma of

[1] *Ibid.*, pp. 261–62.

Mr. Jefferson that 'all men are created equal,'" "endorses without reserve the much-abused sentiment of Governor M'Duffice, that slavery is the cornerstone of our republican edifices."[1] These ringing tributes from eminent men prepared the way for Chancellor Harper's cautious but unequivocal statement that, though slavery "was forced on us by necessity, and further fastened upon us by the superior authority of the mother country . . . . , I for one, neither deprecate nor resent the gift."[2]

When to the many mitigations of slavery among a cultured people were added these weighty compensations, the end not only justified the means but seemed in a good way to sanctify it as well. While logic could be satisfied with less, sentiment[3] demanded

[1] *Ibid.*, p. 109.

[2] *Ibid.*, p. 570.

[3] The tremendous appeal of *Uncle Tom's Cabin* made it necessary for the South to fight sentiment with sentiment. A survey of the literature of the time shows that it rose to the demand. "Besides the numerous controversial pamphlets and articles in periodicals there were no fewer than fourteen pro-slavery novels and one long poem published in the three years [1852–54] following the appearance of *Uncle Tom's Cabin*" (Jeanette Reid Tandy, *South Atlantic Quarterly*, XXI, 41–50).

that, while promoting the general welfare, even slaves should not have to sacrifice their own individual good. Though some in this matter emphasized "a little good sense and practical sagacity" rather than "abstractions alone," still if slavery were to be sanctified, sentiment must needs be satisfied. This satisfaction came about through the discovery that "slavery is for the good of the slave."

So certain did the apologists for slavery feel regarding that proposition, that Professor Bledsoe is not unrepresentative in declaring that "if, on the whole, the institution of slavery be a curse to the slave, we say let it be abolished."[1] For "no fact is plainer," thought he, "than that the blacks have been elevated and improved by their servitude in this country. We cannot possibly conceive, indeed, how Divine Providence could have placed them in a better school of correction."[2] Servitude, as the South thought, had taught thrift to the thriftless; kindliness to the brutal; industry to the lazy; morals to the immoral. "Slavery was as beneficial to the slave as to civilization

[1] *Ibid.*, p. 297. [2] *Ibid.*, p. 416.

in general. It supported him in childhood and old age, it protected him from poverty, it saved him from himself." Ignorance with all its train of vices was subject to constant remedy. That the whole moral level of the Negroes was raised by their being kept in servitude, Christy sought to show by a statistical computation of the comparative criminality of the free Negroes in America with the slaves. The advantage was greatly in favor of the latter.[1]

While these so-called "temporal benefits" were wholly in favor of slavery as a civilizing agency, they were as nothing compared to the spiritual advantages the slave enjoyed by being in America. As eternal salvation was superior to temporal amelioration, so did the Christianization of the Negro put in the shade all other concern regarding him. And it was in this most important matter that slavery scored highest. Missionaries, sent at much expense to Africa, labored long and hard merely to overcome the hostile milieu of an alien atmosphere. In America, the slave just naturally grew up to be a Christian. Christy's study of the

[1] *Ibid.*, p. 39.

statistical compilations of the churches themselves revealed "that the number of slaves brought into the Christian Church, as a consequence of the introduction of the African race into the United States, exceeds all the converts made, throughout the heathen world, by the whole missionary force employed by Protestant Christendom."[1] It appeared, thus, cheaper and far more effective to bring the African to the missionaries rather than to send the missionaries to him, and all the more so because while having his soul saved for heaven, he was both becoming civilized through his social contact and educated through his work and also was doing a good part by the world in supplying tobacco and cotton. While this many-sided benefit was not urged as an apology for bringing more Africans to America, it was exploited for all its worth in defending slavery as an example of "the mode in which Divine Providence is working for the salvation of the African race."[2]

Thus did the South come to its desired goal. The intrinsic difficulties of dealing with this inherited institution became insur-

[1] *Ibid.*, p. 166. [2] *Ibid.*, p. 166.

mountable when seen in the seductive coloring of economic advantage. Economic advantage begot cultural compensations. Cultural compensations conjured up humanitarian mitigations. Logical justification followed. And a certain spiritual sanctification crowned the whole. Slavery had through the metamorphosis of a century changed from an unnecessary evil into a positive good.

IV

This conclusion, that slavery was a positive good, though warranted by the premises of the later proslavery arguments, was with reluctance explicitly drawn. Inherited political philosophy furnished for thought a limiting condition not easily overcome. But under the provocation furnished by the battle cry of the later abolitionists, that slavery was *malum in se* and that consequently slave-holders were criminals, Calhoun, the fiery statesman of the South, rushing in where more cautious students preferred not to tread, countered with the doctrine that the South's "peculiar institution" was *bonum in se*.

It has appeared that the conclusion that

slavery is good rather than evil could be reached—and was in many cases reached—without denying that all men are in some fundamental ways actually equal. True, careful discrimination was necessary to insure the proper qualifications, as Professor Bledsoe indicated;[1] but, as Christy and Cartwright both showed,[2] no one supposed that Jefferson or any other of the Revolutionary fathers meant the doctrine to be taken *without any* qualification. Nevertheless, there were disadvantages to resting the defense of slavery on this basis. Even though, on the foundation of a carefully defined natural equality, slavery might be proved a positive good, could it thus be proved a permanent good? Subjection of children is good—but only while they remain children. If slavery was as effective in civilizing and Christianizing the Negroes as the arguments implied, then, as regards the blacks, its ministry would eventually abolish its mission: the slave would outgrow the logic of slavery. Reacting perhaps as much to the relentless way in which the abolitionists pressed home this perturbing fact as to the observed inferi-

[1] *Cotton is King*, pp. 319 ff. [2] *Ibid.*, pp. 43, 984.

orities of slaves, Calhoun cut the Gordian knot by denying that men are naturally equal—a denial that among other things meant that Negroes could not grow into equality with their masters. Still accepting nature as a norm, he opposed to the doctrine of natural equality the dogma of *natural inequality*.

This radical departure of Calhoun's was given official recognition in the formation of the constitution for the Southern Confederacy. Alexander H. Stephens, vice-president of the Confederacy, in a notable speech delivered at Savannah, Georgia, shortly after the adoption of the new constitution, sets out fearlessly and without reservation the southern position:[1]

> Jefferson, in his forecast, had anticipated African slavery as "the rock upon which the old Union would split." He was right. . . . . The prevailing ideas entertained by him and most of the leading statesmen at the time of the formation of the old Constitution were, that the enslavement of the African was in violation of the laws of nature; that it was wrong in principle, socially, morally, and politically. . . . . Those ideas, however, were fundamentally wrong.

[1] Moore (ed.), *The Rebellion Record*, I D, 44–49.

They rested upon the assumption of the equality of races. This was an error. It was a sandy foundation, and the idea of a Government built upon it—when the "storm came and the wind blew, it fell."

Our new Government is founded upon exactly the opposite ideas; its foundations are laid, its cornerstone rests, upon the great truth that the negro is not equal to the white man; that slavery, subordination to the superior race, is his natural and moral condition. Thus, our new Government, is the first, in the history of the world, based upon this great physical, philosophical, and moral truth. . . . . They were attempting to make things equal which the Creator had made unequal. . . . . The negro by nature, or by the curse against Canaan, is fitted for that condition which he occupies in our system. . . . . It is, indeed, in conformity with the Creator. It is not for us to inquire into the wisdom of His ordinances or to question them. . . . . For His own purposes He has made one race to differ from another, as He has made "one star to differ from another in glory." . . . . This stone which was rejected by the first builders "is become the chief stone of the corner" in our new edifice.

Nature had served Anglo-Saxons from Locke to Calhoun's day as an instrument of offense; but Nature is no respecter of persons or causes. The South's need, like that

of Hobbes, was for a weapon of defense. Calhoun, who argued the question at most length, appealed first to the obvious facts about him: no two persons seem to be equally endowed. There are on every hand, not only diversities, but gross inequalities between the talents as between the possessions of men. And no mitigations of this observed inequality could be found by appealing to earlier time. The most obvious form of this appeal to the past had been that, while men are not now equal, they were born equal. To this Calhoun replied that "men are not born. Infants are born. They grow to be men."[1] And infants are no more equal—except in helplessness—than are men. "Nothing can be more unfounded and false," declared Calhoun, than "the prevalent opinion that all men are born free and equal."[2] So obvious is the falsity of the belief, so demonstrable

[1] *Works*, I, 57. Cf. the disillusioned view of John Adams: "I have seen, in the Hospital of Foundlings . . . . at Paris, fifty babes in one room;—all under four days old; all in cradles alike; all nursed and attended alike; all dressed alike; all equally neat. I went from one end to the other of the whole row, and attentively observed all their countenances. And I never saw a greater variety, or more striking inequalities, in the streets of Paris or London." (*Works*, VI, 452.)

[2] *Ibid.*, I, 57.

by an appeal to facts that are everywhere and to all men easily accessible, that it could never have been held either that men are equal or that they are born equal had it not rested upon a theory the disproof of which could not so easily be established. Calhoun states his case very clearly. This belief that men are born equal, he declares,

> rests upon the assumption of a fact, which is contrary to universal observation, in whatever light it may be regarded. It is, indeed, difficult to explain how an opinion so destitute of all sound reason ever could have been so extensively entertained, unless we regard it as being confounded with another, which has some semblance of truth;—but which, when properly understood, is not less false and dangerous. I refer to the assertion, that all men are equal in the state of nature.[1]

Having reduced the claim of equality from men to babes and from babes to a hypothetical state of nature, Calhoun proceeds unsparingly to expose the insufficiency of this traditional view. There had never been, thought Calhoun, sufficient proof given or sought of the actual existence of any such state of nature. He did not see that the

[1] *Ibid.*, I, 57–59.

same motivation for his rejection of the view had formerly guaranteed its acceptance, in each case operating alike to strengthen the scanty proof and to weaken the observable disproof. It was foregone that when as strong a motivation for denial should arise as there had been historically for affirmation, then either bolstering cases would be found to support the denial, or, that proving impossible, the burden of proof would be pressed where it logically belonged, on those who affirmed. And now that Calhoun had the motivation, he pressed upon the proponents of the accepted philosophy of equality both their lack of positive proof and his own negative arguments. He first drove home the fact, in itself destructive of confidence, that "*such a state is purely hypothetical.*"[1] But not only so: such a state of nature not only never did exist but never could have existed. There are two reasons why it could not have existed—the one, racial; the other, individual. Such a hypothesis is not compatible "with the preservation and perpetuation of the race." With its long infancy of complete helplessness, the human

[1] *Ibid.*, I, 60.

child must, in order to survive, be born into a group. And this very fact—as necessary at the earliest hypothetical time as now—from the nature of the case, it must be remembered, meant inequality of the most significant kind, an inequality of master and subject. But this racial argument was also buttressed by an appeal to individual psychology. Calhoun perceived that man is not wholly selfish, as the eighteenth century supposed. The state of nature, from which men through a social compact emerged into government, followed logically from the egoistic conception of human nature. Seeing that natural equality was but a part of the larger natural law philosophy inherited from the eighteenth century and earlier, Calhoun challenged the whole traditional idea-system. He declared that, so far from being solitary and selfish by nature,

> Man is so constituted, as to be a social being. His inclinations and wants, physical and moral, irresistibly impel him to associate with his kind; and he has, accordingly, never been found, in any age or country, in any state other than the social. In no other, indeed, could he exist; and in no other,—were it possible for him to exist,—could he attain to a full

development of his moral and intellectual faculties, or raise himself, in the scale of being, much above the brute creation.[1]

Thus does man's very nature combine with his helplessness to make the social state both necessary and natural. Such a condition of independence as the accepted hypothesis described was utterly foreign, then, to the social instincts of men. It was, therefore, thought Calhoun,

A great misnomer to call it *the state of nature*. Instead of being the natural state of man, it is, of all conceivable states, the most opposed to his nature—most repugnant to his feelings, and most incompatible with his wants. His natural state is, the social and political—the one for which his Creator made him, and the only one in which he can preserve and perfect his race. As then, there never was such a state as the, so-called, state of nature, and never can be, it follows, that men, instead of being born in it, are born in the social and political state, and of course, instead of being born free and equal, are born subject, not only to parental authority, but to the laws and institutions of the country where born, and under whose protection they draw their first breath.[2]

As completely, then, as a little observation dispels the absurd notion that men *are*

[1] *Ibid.*, I, 1–2.

[2] *Ibid.*, I, 59.

equal, a little honest reflection dispels the more absurd hypothesis that men in some remote antiquity actually emerged from some presocial state in which they *were* equal. Nor did one reach a better end by taking the theological route. Men were not any more created equal than they were born equal. To fortify his position on this point, Calhoun argued that God did not create all races of men from one stock, but that there had been a plurality of origins and that the Negro belonged to one of the primordial varieties of men.[1] But that hypothesis aside, the surest way to find out how men were created was to ascertain how men actually compared. The Negro had from time immemorial found his place as hewer of wood and drawer of water[2] for more favored races, even as Scripture had foretold. The verdict of God as to the equality of the Negro could best be read in the history of mankind; and as regarded the natural place of the Negro,

[1] See Riley, *op. cit.*, p. 182. Dr. Cartwright, the ethnologist, while disclaiming disagreement with St. Paul, nevertheless held that "the species of the *genus homo* are not a unity, but a plurality, each essentially different." The Negro is the lowest of all the species (*Cotton is King*, pp. 707 ff.).

[2] *Ibid.*, p. 731.

the verdict was thought to be unmistakable. Dr. Cartwright had found this same verdict written in the skull of the Negro. And so, he declared that "the same ordinance which keeps the spheres in their orbits and holds the satellites in subordination . . . . subjects the negro race to the empire of the white man's will."[1] And since God made him inferior, "subordination of the inferior race to the superior is a normal, and not a forced condition."

Such, then, was the case for slavery as regarded observation, science, and logic. As regarded *argumentum ad vericundiam*—a species that perhaps carried more weight then than now—Calhoun and his colleagues seem to have felt no lack. It is true that they could not appeal quite so proudly as their opponents to the American fathers or to the great names in English tradition—Harrington, Milton, Locke, Hobbes, Blackstone—but they held undisputed possession of one the magic of whose name outconjured the influence of scores of lesser men. With complete confidence they could turn to Aristotle; for his defense of slavery was frank, profound,

[1] *Ibid.*, p. 721.

and ever fresh. Calhoun regarded Aristotle with reverence and used the authority of his great name.[1] Nor did the defenders of slavery feel it a disadvantage when appeal was made to the Bible, the greatest source book of the time. Both sides, of course, claimed its authority. And while each side, by judicious selection of texts, made out a case as satisfactory to itself as it was unconvincing to the other, nevertheless the Bible came to be appealed to with greater confidence, an unbiased reader is likely to feel, by the proslavery speakers and writers. The abolitionists, in appealing to the Bible, were at the disadvantage of having to depend more upon its *general* teaching and tendencies; a roundabout method that had weight with certain forward-looking people but a method that could not easily be reduced to syllogism or adapted to victory in polemics. Partly, no doubt, because of this disadvantage, they tended at times to interpet the Bible very freely; at times to ignore it; and at still other times, in a pinch, to contradict it altogether. This compromised the case of aboli-

[1] Calhoun, *Correspondence*, p. 469 (letter to A. D. Wallace, 1840).

tion in many devout minds, and was of course made capital of by southern writers.[1]

Apologists for slavery, on the other hand, had the most explicit injunctions and precedents. The Old Testament "Friend of God" was himself a slave-owner. Slavery was authorized among the Jews. Jesus and his apostles after him had found slavery in their day, had recognized its existence, and had given rules for its regulation. They had never unequivocably spoken against the institution. St. Paul had returned Onesimus, a fugitive slave, to his master, and had, in his pastoral letters, uniformly enjoined upon Christian slaves obedience to masters as a religious duty. An institution that had had a place among God's chosen people from the beginning to the close of their sacred history, that had always been recognized, never condemned, and frequently regulated by those who were accepted as divine spokesmen—such an institution, southern writers felt, had nothing to fear from any hermeneutics accepted in their day.[2] With the Bible

[1] *Cotton is King*, pp. 337 ff.

[2] So available and so effective was the biblical argument that hardly a defender of slavery failed to try his hand at it. The best defense, perhaps, is to be found in the letters of the Rev. Richard

and Aristotle on their side—a combination that had once been long invincible—they felt secure so far as arguments from authority were concerned.

With slavery securely established upon the foundation of natural inequality, Calhoun proceeds, as a crowning attempt, to justify the ways of God (and Nature) to man with a philosophy of progress that somewhat belies his previous (ante p. 76) exposition of the social nature of man. He seeks to show that by a frank acceptance of natural inequality one not only lays an impregnable foundation for progress but also prepares, as it were, a background adapted to set off at its true worth the jewel of liberty. But Calhoun is here his own best commentator.

> Liberty and equality are united to a certain extent . . . . but . . . . to make *equality of condition* essential to liberty, would be to destroy both liberty and progress. The reason is, that inequality of condition, while it is a necessary consequence of liberty, is, at the same time, indispensable to progress. In order to understand why this is so, it is

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Fuller (*Fuller and Wayland on Slavery*) and in Dr. Stringfellow's article in *Cotton is King* (pp. 461 ff.).

necessary to bear in mind that the main spring to progress is the desire of individuals to better their condition, and that the strongest impulse which can be given to it is, to leave the individuals free to exert themselves in the manner they may deem best for that purpose. . . . . Now, as individuals differ greatly from each other . . . . the necessary effect of leaving all free to exert themselves to better their condition, must be a corresponding inequality between those who may possess these qualities and advantages in a high degree, and those who may be deficient in them. The only means by which this result can be prevented are, either to impose such restrictions on the exertions of those who may possess them in a high degree, as will place them on a level with those who do not; or to deprive them of the fruits of their exertions. But to impose restrictions on them would be destructive of liberty,—while, to deprive them of the fruits of their exertions, would be to destroy the desire of bettering their condition. It is, indeed, this inequality of condition between the front and rear ranks, in the march of progress, which gives so strong an impulse to the former to maintain their position, and to the latter to press forward into their files. This gives to progress its greatest impulse.[1]

Calhoun's refutation of the doctrine of natural equality and the whole philosophy

[1] *Works*, I, 55–57.

with which it was inextricably connected was of the utmost significance. The fact that he dedicated his analysis to the defense of an institution that was shortly to be violently overthrown has obscured the tremendous force of the arguments with which he justified his denial of natural equality. It was his peculiar lot while losing his cause to win his case. That following the Civil War no American political philosopher of note has defended the theory of human nature and society that he attacked is an unquestioned tribute to Calhoun and those for whom he spoke. It indicates perhaps not so much that the weight of his arguments was greatly influential in turning the current of American thinking, as that his was the voice through which a winning, but hitherto inarticulate, philosophy[1] found its initial expression on this continent.

[1] A philosophy formulated in Germany as "Idealism," popularized in America by Emerson in literary form, and introduced to America in its political form as the organic theory of the state by Francis Lieber and many other German immigrants and American scholars returning from study in Germany.

CHAPTER III

WOMAN'S RIGHTS AND THE AMERICAN DOCTRINE OF EQUALITY

AS slavery proved to be the first great institutional test of the equality doctrine in America, so the second crucial challenge of equalitarianism was found in the inherited status of women.[1] The relationship between the movements looking toward the emancipation of the slaves and the enfranchisement of women in America is chronologically as well as logically close. It was, be it remembered,[2] the exclusion from membership in the First International Conference for the

[1] This study of the bases of equality for women emphasizes primarily, though not exclusively, the arguments used by women during the earlier part of their struggle. This distribution of labor is adopted partly because it is thought that all the arguments available were given by the women early in their struggle and that the last half-century was a matter of political strategy and common patience and partly because the philosophy of equality discussed in following chapters applies to women as well as to men.

[2] From what is known of the conferences that went on among the women excluded as delegates, it is not too much to say that "the movement for woman's suffrage, both in England and Amer-

Abolition of Slavery, held in London, 1840, of the American women who went as delegates and wives of delegates that precipitated in America the woman-suffrage movement as such[1] and led directly to the calling eight years later of the first congress among civilized peoples exclusively to consider civic

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ica, may be dated from this World's Anti-Slavery Convention" (see *History of Woman Suffrage*, p. 62).

As this history will be frequently referred to in succeeding pages, we may note here that it was published in 1881 (New York: Fowler & Wells), was edited by Elizabeth Cady Stanton, Susan B. Anthony, and Matilda Joslyn Gage, was meant to be as much a collection of materials while witnesses and participants were still living as an authoritative history of the movement up to that time, and was expected to furnish the data from which in the future there might be written "a more complete history of 'the most momentous reform that has yet been launched on the world—the first organized protest against the injustice which has brooded over the character and destiny of one-half the human race'" (Preface, p. 8). The spirit of the book is in no sense impartial. It was meant to help the future of the movement by recording its past. It represents the movement at what the authors thought its best. But there is no good reason why its wealth of material may not be taken to represent accurate data for the problem here assayed, i.e., to discover the bases upon which the appeal for feminine equality rested, during the early stages while it was highly conscious of aim but little conscious of basic intellectual implications.

[1] Of course the question of women's rights in society and government had been raised in America by various women under many circumstances, from the early day of Abigail Smith Adams, who wrote her husband, John Quincy Adams, during the Continental Congress (1776) these explicit, if perhaps bantering, words: "I long to hear you have declared an independency, and, by the way,

amelioration for the feminine half of the human race.[1]

This effort at amelioration took the form of a demand for equality. The history of the movement initiated by this demand, stirring as it is, concerns us here only as the means through which we may discover the theoretical bases upon which the claim for equality rested. The fact that equal rights in America came in successive waves makes it possible for us in discussing this last movement to recapitulate the motives of the earlier demands as well as to make explicit any new insights that time may have revealed. Under all the circumstances it would have been strange if the struggle that

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in the new code of laws which I suppose it will be necessary for you to make, I desire you would remember the ladies, and be more generous and favorable to them than your ancestors. Do not put such unlimited power into the hands of husbands. Remember, all men would be tyrants if they could. If particular care and attention are not paid to the ladies, we are determined to foment a rebellion, and will not hold ourselves bound to obey any laws in which we have no voice or representation" (quoted here from the *History of Woman Suffrage*, p. 32).

[1] At Seneca Falls, New York, by the same women who had been discriminated against at London and a few others whom they had been able meantime to recruit. The declaration issued at this convention was signed by sixty-eight women, with thirty-two men "present in favor of the movement." (For the complete list of names, see *History of Woman Suffrage*, p. 810.)

women were destined to carry on for three-quarters of a century had not sought as its theoretical basis the same foundations upon which so recently had been predicated the similar claims that freemen made for themselves in seeking from foreign domination the insignia of freedom and that freemen were then making for slaves who had neither the freedom nor its political insignia. Not only would psychological considerations make this inevitable but utilitarian considerations would make it desirable; for what arguments are better calculated to wrest concessions from a man than the very arguments he has used in winning privileges for himself? Not to allow the same rights to another that one claims for himself, if reason can show the conditions to be the same, strains what has often been conceived as the rational constitution of man.[1] It remained for the women to make out the same case for their freedom that the men had made for their own.

[1] This would violate what Henry Sidgwick, the English philosopher, has described as a basic axiom of ethics, the maxim of benevolence—"that each one is morally bound to regard the good of any other individual as much as his own, except in so far as he judges it to be less, when impartially viewed, or less certainly knowable or attainable by him" (*The Methods of Ethics* [6th ed]., p. 382).

The two most dramatic documents of the earliest American struggle for freedom and equality became not merely logically, but literally as well, the warp, therefore, into which was woven by women the woof of their aspiration. The Seneca Falls convention, after much searching for effective means of presenting their cause, adopted the form of the Declaration of Independence and drew up for themselves with only such modification as the situation made necessary its counterpart— "A Declaration of Sentiments."[1] At a later stage of the woman movement, the other greatest classic of Revolutionary times, Tom Paine's *Common Sense*, became also the model upon which both a gifted male defender[2] and perhaps a more gifted woman advocate[3] built ringing appeals for feminine equality.

[1] Both because this historic document deserves to be better known and because reference to certain sections of it are to be made in later pages, its text in full is made accessible in Appendix A.

[2] Colonel Thomas Wentworth Higginson, *Common Sense about Women* (1881), hereafter referred to as "Higginson, *Common Sense.*"

[3] Mary Putnam-Jacobi, M.D., *"Common Sense" Applied to Woman Suffrage* (1894), hereafter referred to simply as "Jacobi, *Common Sense.*"

It is difficult fairly to assess the significance attached by the women to the theories that, lying ready-made, they found it expedient to use for their practical purposes. We do not need to assess them at this time but merely should remember for the sake of a larger clarity that concepts are rarely exploited for their full logical content and that this fact is illustrated by what we have already learned of the use our fathers made of these same sanctions in their earlier struggles.[1] Advancing, however, as they had with their age, the women of the nineteenth century had perhaps even clearer recognition of the instrumental character of concepts when used for apologetics. Upon this fact we shall comment in detail at the proper place, but for the moment let us see to what extent the philosophy of equality used in the woman's suffrage movement merely recapitulated the equalitarian philosophy of the earlier period. We have already remarked that the two great conceptual sanctions for American needs were, in a word, God and Nature.[2] Let us in this order note

[1] See above, pp. 60 ff.

[2] See above, pp. 1, 32, 53 ff.

the use made by women and their supporters of these sanctions.

I

Since our mothers were not only the heirs of a heavily ingrained religious attitude toward life but, what is more, were in the great majority of cases explicitly religious themselves, it is foregone that they would put heavy emphasis upon the notion of "equality before God" in their quest for whatever equality they sought for themselves on earth. William Lloyd Garrison once in a public discussion put clearly the faith of them all when he declared: "We *know* that man and woman are equal in the sight of God."[1] Over and over was this appeal to heaven made in successive conventions by the most religious and even by those who themselves were more heterodox, for the sake of the orthodox. The fact of equality before God was clear enough to all of them, but how to prove the fact was a problem constantly discussed. The Bible itself could very easily be used against the

[1] *History of Woman Suffrage*, p. 382.

women and was constantly and effectively so used.[1]

While theoretically God was sexless, in practical imagination, he was a male. At least, and certainly what was of supreme practical moment, his major earthly emissaries had always in the Hebrew-Christian tradition been males; and males too who

[1] Certainly the women were in a far more delicate plight when they went to the Bible than were the abolitionists, and the plight of the abolitionists in this regard was bad enough. (See *ante*, pp. 80–82.)

A delicate woman opponent, who also incidentally defended slavery, writing in 1850 gives typical expression to the majority opinion of women themselves at the time. "How many eloquent theses have been written," exclaims she, "and how much logic wasted, to prove the equality of the sexes! It seems to us, that the writers and speakers on this subject would have done well to commence by defining their terms. What is meant by equality as here used? Is it intended to convey the idea that the soul of woman is as precious to the Father of Spirits as that of man; that woman has an equal interest with man in all those great events which have marked the dealings of God with His intelligent creation on our earth, from the hour in which Adam, awaking from a deep sleep, found beside him the companion of his sinless and happy life, to the present moment, when the sin-stricken and sorrowing soul of man, echoing the divine conviction that it is not good for him to be alone, still seeks in woman his 'help-meet' in the labors, the trials, the sufferings of mortality?"

Facing the case put thus at its best in the affirmative, the author proceeds to answer negatively the case put at its worst. "And yet the unqualified assertion of equality between the sexes,

were uniformly outspoken in their low estimates of women.[1] And so when women, who were theologically blamable for all human woes, came to the generally admitted organ of divine revelation, the Bible, to find some comfort for their aspiration, they found more nearly the opposite. That women who had

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would be contradicted alike by sacred and profane history. There is a political inequality, ordained in Paradise, when God said to the woman, 'He shall rule over thee,' and which has existed, in every tribe, and nation, and people of earth's countless multitudes. Let those who would destroy this inequality pause ere they attempt to abrogate a law which emanated from the All-perfect Mind. And let not woman murmur at the seeming lowliness of her lot. There is a dignity which wears no outward badge, an elevation recognised by no earthly homage. This wise, and for her most happy equality, secludes woman from the arena of political contention, with its strifes and rivalries, its mean jealousies and meaner pretensions, in the quiet home where truth may show herself unveiled, and peace may dwell unmolested. . . . . All the influences of that lot to which God assigned her, are calculated to nurture in her that meek and lowly spirit with which he delights to dwell" (Maria J. McIntosh, *Woman in America: Her Work and Her Reward* [1850], pp. 21–24).

[1] Of course women, hard-pressed by apostles and bishops, made the most out of such Old Testament figures as Deborah and New Testament characters as Mary. (See e.g., the diverting sermon upon the subject "God's Women," preached by Anna H. Shaw before the National Council of Women of the United States, 1891, and published in their *Transactions* for that year, pp. 242–49.)

always been easily institutionalized by religious agencies for religious ends should thus find no succor for their greatest needs in their historic place of refuge left many of them hostile to their own freedom; some friendly but with a feeling of guilt; others inclined to make the most of every scriptural loophole through ingenious interpretation; and a few tough-minded women, eschewing all queasy interpretation, determined to be free once for all from this traditional obstacle to freedom. But let us now in order note representative reactions.

In the background of one's mind hover in anticipation of the self-conscious suffrage movement the figures of Anne Hutchinson, rebelling vaguely inside the religious fold against she knew not fully what; of Ann Lee, who in the year of the Declaration of Independence was imprisoned in Poughkeepsie hardly more for her opposition to war than for her opposition to marriage and other orthodox virtues; and of Frances Wright who, coming over from Scotland in 1820, when she was only twenty-two years of age, boldly declared of all religion that it "is a deception, it is not useless only, it is mis-

chievous; it is mischievous by its false morality; it is mischievous by its hypocrisy; by its fanaticism; by its dogmatism; by its threats; by its hopes; by its promises; and last, though not least, by its waste of public time and public money."[1]

Nor could it be forgotten at the very inception of the organized movement that it was on religious grounds by religious dignitaries that American women, already accorded public privileges at home, had been excluded as delegates from the international slavery conference in London, 1840, the precise charge being that all public function for women was "in defiance of God's ordination" and against English precedent. This English precedent reacted adversely upon the American women at home. The attitude of the American churches grew thereafter increasingly hostile. An American minister, the Rev. Eben Galusha, of New York, echoing the sentiment at home that seated men and women apart in church in order that "men might commend themselves to God without interruption," declared at the London convention: "I have no objection

[1] Johnson, *Woman and the Republic* (1897), p. 253.

to woman's being the neck to turn the head aright, but do not wish to see her assume the place of the head."[1] The Congregational churches of Massachusetts by a pastoral letter were directed to defend themselves against heresy by closing their doors to the innovators. The Methodists, who earlier had allowed women preachers, now stopped them and hurled at the new societies such epithets as "no-government, no-sabbath, no-church, no-bible, no-marriage, women's rights societies."[2] Nor was this hostility otherwise than typical of other evangelical churches. The Quakers alone of religious bodies remained consistently tolerant of public service on the part of women,[3] though

[1] *History of Woman Suffrage*, p. 56. The women who were destined to be pioneers in the suffrage movement in America were evidently more favorably impressed by George Bradburn, a delegate from Massachusetts, who in exasperation declared: "Prove to me, gentlemen, that your Bible sanctions the slavery of woman —the complete subjugation of one-half the race to the other— and I should feel that the best work I could do for humanity would be to make a grand bonfire of every Bible in the Universe" (ibid., p. 62 n.).

[2] Jacobi, *op. cit.*, pp. 6–8.

[3] The abolition movement itself made effective gestures for some two years to inhibit women's public function, but they were soon found too useful as public speakers to make it practicable to keep them at work exclusively upon the underground railroads.

the Swedenborgians were also commended by Margaret Fuller for their tolerance.[1]

It is little wonder, therefore, that, with all this fresh in mind, when women came to draw up the list of grievances that would justify their declaration of independence, they hurled as the twelfth count in their indictment against man this charge: "He allows her in Church, as well as State, but a subordinate position, claiming Apostolic authority for her exclusion from the ministry, and, with some exceptions, from any public participation in the affairs of the Church."[2] And in the eighth resolution adopted at the same time, it is declared "that woman has too long rested satisfied in the circumscribed limits which corrupt customs and a perverted application of the Scriptures have marked out for her, and that it is time she should move in the enlarged sphere which her great Creator has assigned her."[3]

This initial attempt to get back of the

[1] *Women in the Nineteenth Century*, p. 122.

[2] Appendix A.

[3] Partly because of their historic interest and partly because they were the patterns for hundreds of other resolutions used as propaganda, this first set is made accessible in Appendix B.

churches in order to find equality more securely in God was but promissory of continued efforts in the same direction supplemented by protective resolutions against the Bible as well as against the churches as its interpreters. The Fifth National Convention in interest of the suffrage cause (1860), after a lengthy discussion of biblical objection in which it was declared that "consulting the Bible for opinions as to woman's rights, is of little importance to the majority of this Convention," unanimously adopted the following resolutions:

That while remembering and gladly acknowledging the exceptional cases which exist to the contrary, we feel it a duty to declare in regard to the sacred cause which has brought us together, that the most determined opposition it encounters is from the clergy generally, whose teachings of the Bible are intensely inimical to the equality of woman with man.

That whatever any book may teach, the rights of no human being are dependent upon or modified thereby, but are equal, absolute, essential, inalienable in the person of every member of the human family, without regard to sex, race, or clime.[1]

[1] *History of Woman Suffrage*, p. 383. To see how continuous and uniform this hostility, compare the even severer Resolutions adopted in 1878 against religious authorities (*History of Woman Suffrage*, p. 787).

The same grievance is voiced in an appeal to the women of New York (1860) signed by Elizabeth Cady Stanton, Lydia Mott, Ernestine Rose, Martha C. Wright, and Susan B. Anthony. They declare,

> The religion of our day teaches that, in the most sacred relations of the race, the woman must ever be subject to the man; that in the husband centers all power and learning; that the difference in position between the husband and wife is as vast as that between Christ and the Church; and woman struggles to hold the noble impulses of her nature in abeyance to opinions uttered by a Jewish teacher, which, alas! the mass believe to be the will of God.[1]

Nor can there be much wonder in the light of what happened to these pioneer women at the hands of churches and divines that twenty years later the official historians of the woman's cause should feel constrained to say:

> The Church, too, took alarm, knowing that with the freedom and education acquired in becoming a component part of the Government, woman would not only outgrow the power of the priesthood and religious superstitution but would also invade the pulpit, interpret the Bible anew from her own stand-

[1] Johnson, *op. cit.*, p. 254.

point, and claim an equal voice in all ecclesiastical councils. With fierce warnings and denunciations from the pulpit, and false interpretations of Scripture, women have been intimidated and misled, and their religious feelings have been played upon for their more complete subjugation. While the general principles of the Bible are in favor of the most enlarged freedom and equality of the race, isolated texts have been used to block the wheels of progress in all periods; thus bigots have defended capital punishment, intemperance, slavery, polygamy, and the subjection of woman. The creeds of all nations make obedience to man the cornerstone of her religious character. Fortunately, however, more liberal minds are now giving us higher and purer expositions of the Scriptures.[1]

This quest of a theological foundation

[1] *History of Woman Suffrage*, pp. 16–17. Compare with this an outburst of Stephen S. Foster during a skirmish with an orthodox member at the Fourth National Convention at Cleveland, 1853: "Now, tell me, in God's name, what we are to hope from the Church, when she leaves a million and a half of women liable to be brought upon the auction-block to-day? If the Bible is against woman's equality, what are you to do with it? One of two things: either you must sit down and fold your hands, or you must discard the divine authority of the Bible . . . . either the Bible is against the Church and clergy, or else they have misinterpreted it for two hundred years, yes, for six thousand years. You must then either discard the Bible or the priesthood, or give up Woman's Rights" (*Ibid.*, pp. 141–42).

upon which to build woman's rights, made necessary by the orthodoxy of women themselves as well as of the men from whom privileges had to be wrested, was, as can now be seen, a difficult one. The women could not avoid the religious ground, and they could not adequately meet the objections that were hurled at once when the battle ground was accepted. Hard-pressed, they finally resorted, as was predicted in the passage quoted above, to a thoroughgoing reinterpretation of the Bible from the woman's point of view. The so-called "Suffrage Woman's Bible," ingenious in its exegesis, appeared toward the end of the nineteenth century. But the fact that it was discontinued after the commentary had been carried only through the Pentateuch may be taken as the final indication that women at last found themselves able to do what many of them would gladly have done from the beginning —fight their cause on other than religious ground. Whether men and women are equal before God matters not if they can become equal on earth without God; and the end of the nineteenth century saw substantial hope of this, not merely because of the inroads

that a more scientifically critical treatment of sacred literature was making upon religious fundamentalism but also because new utilities were appearing whereby woman's participation in all phases of life might be justified by its fruits rather than by precedents.

But before we turn to a direct consideration of these more empirical justifications of woman's claim to equality, we must, to complete the story, note the use made in her historic struggle of the other traditional sanction—Nature. The beautiful ambiguity, not to say beneficent vagueness, of this concept makes it very serviceable. Nature and God have always been close enough together so that an apotheosis of nature could pass the religious mind in an emergency of faith without suspicion, functioning fruitfully as an acceptable substitute symbol and yet permitting dissent and stimulating growth on the part of those who had basically outgrown anthropomorphism but not authoritarianism. We shall see how Nature for a time served the mothers as it had the fathers once upon a time for a foundation, until, ceasing to be needed, it built a bridge from

theological authoritarianism to scientific utilitarianism and thus ushered the woman's movement respectably into the twentieth century.

II

God's extremity becomes Nature's opportunity. "There is," as Havelock Ellis in connection with women's rights declares, "but one tribunal whose sentence is final and without appeal. Only Nature can pronounce the legitimacy of social modifications." In the spirit of using as effectively as possible whatever instruments of social control are available, the Seneca Falls declaration based itself squarely upon "the laws of Nature,"[1] and from them deduced by means of self-evident truths "natural equality" and the "inalienable rights" of womankind.[2] And in introducing the resolutions adopted upon the occasion, they took their stand upon "the great precept of Nature—man shall pursue his own true and substantial happiness."[3] Appealing then di-

[1] Appendix A, par. 1. [2] Appendix A, par. 2.

[3] See Appendix B, par. 1. Adapting the statement of the catechism regarding man's chief end, a clever woman declared woman's chief end had been "to glorify man and to help him to enjoy himself for a little while."

rectly to Blackstone's famous defense of nature, they resolved themselves as far as might be into freedom.

And what in these initial documents is formally presented is found to be exploited in one place or another by every book in defense of woman's rights. The women believed in the doctrine of natural rights—believed in it just as men had believed in it in 1776. They believed in natural rights for precisely the same reason the men had believed in natural rights—they needed such a belief in their business. Higginson in 1881 puts very clearly and frankly the function of such a doctrine:

> The same service rendered by axioms in geometry is supplied, in regard to government, by the simple principles of the Declaration of Independence. Right or wrong, they are taken for granted. Inasmuch as all the legislation of the country is supposed to be based in them,—they stating the theory of our government, while the Constitution itself only puts into organic shape the application,—we must all begin with them. It is a great convenience, and saves great trouble in all reforms. To the Abolitionists, for instance, what an inestimable labor-saving machine was the Declaration of Independence. . . . . We

cannot always be going back, like a Hindoo history, to the foundations of the world. Some things may be taken for granted.[1]

The author then proceeds to apply this logic directly to substantiate the claim to rights that women were making.[2]

In an address to the women of Ohio, 1850, the suffragists declared:

Rights are coeval with the human race, of universal heritage, and inalienable; that every human

[1] Higginson, *op. cit.*, pp. 278–79.

[2] Women were willing to come into their own by this simple device of subsumption, if so it might be. The authors of the *History of Woman Suffrage* say, "above all other causes of the 'Woman Suffrage Movement,' was the Anti-Slavery struggle in this country" (p. 52). When women set out to ameliorate the slaves by using the sanctions men had earlier used for themselves and found that the fact that they were women kept them from helping anybody else, they then must vindicate themselves before they could assist anybody else. And they turned the conceptual weapons which they meant to use on behalf of the Negro in favor of themselves. Subsumption was supplemented in many cases by a skilful use of an *a fortiori* principle based upon a recognized social invidiousness—if the Negroes, how much more the women? "The Attitude of the Church today is more hostile and insulting to American womanhood than it ever was to the black man, by just so much as women are nearer the equals of priests and bishops than were the unlettered slaves" (*ibid.*, p. 342). It is little wonder that this invidiousness was keenly felt, since awakening to their own condition in the struggle for the Negro's rights, they were then made to wait for more than a half-century after his freedom for their own.

being, no matter of what color, sex, condition, or clime, possesses those rights upon perfect equality with all others. The monarch on the throne, and the beggar at his feet, have the same. Man has no more, woman no less.[1]

In speech after speech, in memorial after memorial, the changes are rung upon the Declaration of Independence with all its arguments and implications. So far women but recapitulated what is too well known to justify further emphasis.

If they may be said to have made any original use at all of Nature conceived as a norm—and whether they did or not, these further observations are justified on their own merit—it was (1) in generalizing the scope of the natural and (2) in setting tests whereby the natural might itself be tested.

Mrs. Ernestine L. Rose gives as the "one argument which is the argument of arguments" on behalf of women, that their claims rest "on the broad ground of human rights." "By human rights," as she goes on to say, "we mean natural rights, and upon that ground we claim our rights, and upon that ground they have already been conceded

[1] *Ibid.*, p. 106.

by the Declaration of Independence. . . . . Our claims are based upon that great and immutable truth, the rights of all humanity."[1] In opening the Akron Convention, 1851, Frances D. Gage declared, "The rights of mankind emanate from their natural wants and emotions."[2] Following this same line of thought, Theodore Parker in a sermon upon the public function of woman said:

If woman is a human being, first, she has the Nature of a human being; next, she has the Right of a human being; third, she has the Duty of a human being. The Nature is the capacity to possess, to use, to develop, and to enjoy every human faculty; the Right is the right to enjoy, develop, and use every human faculty; and the Duty is to make use of the Right, and make her human nature, human history. She is here to develop her human nature, enjoy her human rights, perform her human duty. . . . .

Each man has the natural right to the normal development of his nature, so far as it is general-

[1] *History of Woman Suffrage*, p. 376. Cf. also the first resolution of the list adopted at the Fifth National Woman's Rights Convention, Cleveland, Ohio, 1853: "That by Human Rights, we mean natural Rights, in contradistinction to conventional usages, and that because Woman is a Human being, she *therefore*, has Human Rights" (*ibid.*, Appendix, p. 817).

[2] *Ibid.*, p. 112.

human, neither man nor woman, but human. Each woman has the natural right to the normal development of her nature. . . . .

Now see what follows. Woman has the same individual right to determine her aim in life and to follow it . . . . that man has.[1]

This sustained tendency to make the natural mean not what always was but whatever might come to be is well climaxed for the earlier woman's movement when the authors of the *History of Woman Suffrage* identified the natural with the growing.

Woman's steady march onward, and her growing desire for a broader outlook, prove that she has not reached her normal condition, and that society has not yet conceded all that is necessary for its attainment. . . . . Moreover, woman's discontent increases in exact proportion to her development. Instead of a feeling of gratitude for rights accorded, the wisest are indignant at the assumption of any legal disability based on sex, and their feelings in this matter are a surer test of what her nature demands, than the feelings and prejudices of the sex claiming to be superior.[2]

This line of reasoning developed under the stress of, and was well calculated to meet

[1] *History of Woman Suffrage*, p. 277.

[2] *Ibid.*, p. 14.

the sting of, attacks based upon the unnaturalness of the suffragists' conduct in speaking before the public, wearing bloomers, etc., and of their demands for more freedom of every kind for all women. "Woman's sphere" as a shibboleth set narrow limits to her activities. To those, both men and women, who with Rousseau[1] and all the ancients would tie women down to the natural conceived as customary, these pioneers replied with their attempt to lift women up to the natural conceived as aspiration and growth. As Gail Hamilton[2] delicately expressed the matter,

> If home-life is the natural sphere of woman, nothing but necessity will ever drive her from it. Certainly no allurements will ever draw her out. We are never allured to that for which we have no natural taste. Nothing is safer to trust in, nothing harder to force, than nature.[3]

[1] "To please, to be useful to us, to make us love and esteem them, to educate us when young and take care of us when grown up, to advise, to console, to render our lives easy, and agreeable; these are the duties of women at all times and what they should be taught in their infancy."

[2] The name under which Mary Abigail Dodge wrote her penetrating *Woman's Wrongs* (1868).

[3] *Woman's Wrongs*, pp. 83–85.

And then drawing the full implication of her point, she goes on to say: "Certainly we shall never know what woman's natural sphere is till she has an absolutely unrestricted power of choice,—that is, until her nature is suffered to have free play."[1] And proceeding from the same American predilection for nature, Higginson eventuates with the same demand that nature be tested before it be used as a test to inhibit women. He says,

> No wise person believes in any "reform against Nature," or that we can get beyond the laws of nature. If I believed the limitations of sex to be inconsistent with woman suffrage, for instance, I should oppose this. . . . . I think that all legal or constitutional obstacles should be removed which debar woman from determining for herself, as freely as man determines, what the real limitations of sex are, and what the merely conventional restriction. That done, it will not be hard for man or woman to acquiesce in the natural limitations.[2]

Though the suffragists did not, therefore, as did Calhoun, repudiate nature[2] they quite

[1] *Op. cit.*, p. 42.

[2] There was great dissatisfaction, of course, over the lessened speed that came from having to use old concepts. Jacobi, as a good example of a general phenomenon, complains, 1894, at the unreal-

skilfully escaped the penalties that women had for so long accepted as a result of submitting to static norms. Indeed, by accepting and redefining Nature, they managed, as did also most of them by accepting and reinterpreting Deity, quietly to let the dead past bury its dead while they focused attention upon the living future, wherein lay the most real hope for justification of their cause. If God wills the welfare of his creatures and Nature acknowledges whatever ends well, then it is upon utility that wisdom will fix its attention.

III

So far we have seen that the movement for the equality of women did not do a great deal more than recapitulate under increased difficulties, and therefore with slower effectiveness, the bases that had been relied upon in the struggle for masculine equality from the founding of the Republic to the enfran-

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ity of the sanctions being used. Alluding to Comte's famous stages, she says that "while reasoning about men is now generally sustained on a basis of positive thought, the reasoning about women scarcely ever emerges from the stage of theology or metaphysics" (*op. cit.*, pp. 111–12).

chisement of the male slaves. The notions of equality before God and natural equality were used both because they were thrust upon the women in negative form by opponents and also because they represented the farthest reaches of the abstract insight of the suffragists themselves. But the women never showed contentment at resting their case for equality solely upon either Nature or God; and they showed less willingness to emphasize these sanctions, and more ingenuity in interpreting them in the direction of freedom, as the movement progressed. If, however, they were at a disadvantage when the battle was pitched on these traditional fields—and in spite of all their ingenuity they were—they were at an advantage when it could be shifted to the plane of frank and unabashed utility.[1] They were so nearly the equals of men in actual intimate daily practice that their predictions of future usefulness under enlarged oppor-

[1] Therefore the relief felt by such a gifted woman as Dr. Jacobi when by this shift "innumerable solemnities, based on 'the divinely ordained nature of things,' 'on the eternal justice' of woman's position now and forever, world without end, have passed to the limbo of many other solemnities which sink to rise no more" (*op. cit.*, p. 15).

tunities caught plausibility and cogency from their past and present achievements under manifold limitations. With every grant of privilege short of the suffrage, the utility of the suffrage itself became more apparent to women and more easily made conclusive to men. Contrasting the cause of women when it rested largely upon the appeal of "general ideas" with its prospect in 1895, Dr. Jacobi says:

> Then the argument was sketched on thin and rarefied air; now it is embedded in solidities of accomplished fact. Then it only appealed to those whose ears were attuned to the finer vibrations beyond the diapasons of ordinary thought; today it is enforced by the practical exigencies of everyday life. Then it only based itself on the abstract principles dear to the elect souls—today the Thought has descended from the empyrean, it has taken flesh, it has become incarnate among the prosaic possibilities of men. It was a Thought; it has become an imminent Fact. It was a Right; it has become an Expediency.[1]

Descending, then, with her "into the arena of practical issues and daily life,"[2] let us, surveying the movement as a whole, see

[1] *Op. cit.*, pp. 60–61.

[2] *Op. cit.*, p. 86.

what were the utilities appealed to in order to justify the cause.

The first was the general almost negative utility that always comes from doing what there is no adequate reason for not doing, if anybody wants it done. A great social disservice is done when grievances are allowed to grow out of the application of a policy, irrespective of whether the policy is good or indifferent or bad. Here was, as Dr. Jacobi put it, "a representative system based on the double principle that all the intelligence in the State shall be enlisted for its welfare, and all the weakness in the State represented for its defence." "*Why*," as she proceeds to ask with devastating simplicity, "why" should not woman, being often intelligent, often weak, and always persons in the community, be represented?"[1] While many interpretations had been given of the meaning of consent, in a government based on consent as its deepest claim to justice, no interpretations had been given ingenious enough to make into consent the raucous *refusal* to consent upon the part of many women. The only basis, therefore, upon which wom-

[1] *Op. cit.*, p. 93.

en could be denied the political rights that men had were, as Mrs. Anna G. Spencer eloquently and sardonically stated it, "that women are not human beings"; or "that they are a kind of human being so different from men that general principles of right and wrong proved expedient as a basis of action in the development of men do not apply to them."[1]

If, then, women are people and such people as other people are, the suffrage and what goes with it in the way of legal and economic privileges belong to women sheerly by mathematical deduction:[2] that which is a part of that which is a part of something else is itself a part of that something else, even though "that which" be women and "that something else" be humanity. One apologist for suffrage went so far along this line of thought as to say that though she "could not see what definite benefit would accrue to woman or to the State from indiscriminate female suffrage," yet "the exclusion of

[1] *Annals of the American Academy of Political and Social Science*, XXXV, Supplement, p. 11.

[2] "An inevitable deduction from democratic principles," as Dr. Jacobi called it (*op. cit.*, p. 183).

any one class from an equal position with another regarding affairs in which both have an equal support, is arbitrary and unnatural, and all things unnatural are wrong and hurtful. On this ground female suffrage seems to me a right and wise measure, and its prohibition an absurdity."[1]

The minimum thing, then, to be seen even from a utilitarian point of view was that women actually were exerting great power and influence;[2] that they were intelligent; that they were concerned in all human affairs. The minimum thing to be done in such a case was to acknowledge formally what was seen to be true, by granting the right to vote, however the vote might be used. Such a point of view[3] seems to have been quite basic to much of the argument,

[1] Gail Hamilton, *Woman's Wrongs*, pp. 93–94.

[2] So great in fact that even anti-suffragists at times flattered themselves that they controlled "the vital principle of government itself—unseen herself, working like nature, in secret, she regulates its pulsations, and sends forth from its heart, in pure and temperate flow, the life-giving current" (Maria J. McIntosh, *op. cit.*, p. 25).

[3] In this the women were but making use of a principle long before recognized and stated by Aristotle in *Nichomachean Ethics*, Book V.

especially toward the close of the struggle for woman suffrage. There was simply no reason against it, and it was not only unjust but socially injurious to humiliate women by withholding from them what belonged to them. But this was the minimum thing to be done and certainly the minimum thing to be said in its justification. The maximum justification rose to visions of the greatest positive utility.

The major advantages foreseen to accrue from, and therefore to justify the hazard of, woman suffrage—"that equality of rights," as Charles Sumner called it, "which is the first of rights"—may be summarized under three heads: (1) greater self-protection, (2) greater social effectiveness, and (3) more complete development of personality. We shall briefly remark on these utilities in the order mentioned.

1. *Self-protection.*—Strange as it seems to ears no farther removed than ours from the initiation of the struggle for woman's rights, it is well within a century when women, particularly married women, were practically helpless so far as the simplest legal recourse went. Submerged at marriage in the person-

ality of her husband by the dogma of the common law; deprived of property rights, even of the free use of her own dowry; excluded, as the last dregs of humiliation, from guardianship of her own children—the married woman was put body and soul at the mercy of her husband, helpless before the whim or bestiality or prejudice of her mate. Her status was not in practice, of course, as hopeless as it would sound in the ears of one alien to our culture, with its emphasis upon charity and chivalry.[1] But however

[1] Pride apparently prevented the women pioneers from making as much of the brutalities suffered by women as they might have made. One of the few examples I have noted of the use of elemental brutality for propaganda purposes in the various histories of the woman's movement is that reported by Emily Collins of a Methodist exhorter in the state of New York "who every few weeks, gave his wife a beating with a horsewhip. He said it was necessary, in order to keep her in subjection, and because she scolded so much." It may be added incidentally that the wife had "only six or seven children" to try her patience (*History of Woman Suffrage*, p. 88).

"The husband of Annie Besant left her because she dared to investigate the Scriptures for herself, and was sustained by the courts in taking from her the control of her little daughter, simply because the mother thought best not to train her in a special religious belief, but to allow her to wait until her reason developed, that she might decide her religious views for herself" (*History of Woman Suffrage*, p. 790).

mitigated the practice might be, the wife in general had not rights, but only favors.[1]

It was not, however, so much the protection of the wife's person as the defense of her property that led to the first state action, New York, 1848, in her behalf.[2] This act amended and generalized in 1860 became the first genuine legal protection that wives had in America and was used as a model by other states as the justice and utility of the protection became slowly apparent. This sanction of self-protection was well stated by Higginson in his declaration that "we gave the negroes the ballot, simply because they needed it for their own protection; and we shall by and by give it to women for the same reason."[3]

2. *Social effectiveness.*—There runs throughout the literature of the woman-suffrage

[1] Compare the motto of *The Revolution*, a paper on behalf of woman's rights, started in New York City, 1868, by Susan B. Anthony: "Principles, not policy; justice, not favor; men, their rights and nothing more; women, their rights and nothing less."

[2] The thrifty Dutch fathers in New York State wished to protect the property of their daughters who might marry into the dissipated Dutch aristocracy of the state. (See *History of Woman Suffrage*, pp. 63–65.)

[3] *Op. cit.*, p. 315.

movement a strain of pity over the social waste involved in the general subjection of women. It is commendable that it was the women themselves who felt that "obedience to outside authority to which woman has everywhere been trained, had not only dwarfed her capacity, but made her a retarding force in civilization."[1] "The woman is uniformly sacrificed to the wife and mother."[2] The virtues called out by motherhood, real as they are, are "only the negative virtues that belong to apathetic classes, such as patience, endurance, self-sacrifice."[3] The virtues of the wife are potentially positive, but themselves stunted by the inferiority of an unequal status.

> The weasen, weary, withered, narrow-minded wife . . . . , her interests all centering at her fireside, forms a painful contrast in many a household to the liberal, genial, brilliant, cultured husband in the zenith of his power, who has never given one thought to the higher life, liberty and happiness of the woman by his side; believing her self-abnegation to be Nature's law.[4]

This "painful contrast" grew more painful still when it was transferred from the home

[1] *Ibid.*, p. 27. [2] *Ibid.*, pp. 22–23. [3] *Ibid.* [4] *Ibid.*

to the larger sphere of life in general. For as late as 1840 Harriet Martineau was able to find only seven employments open to women in the United States, viz., teaching, needlework, keeping boarders, working in cotton mills and in bookbinderies, typesetting, and household service.[1] College education was not available for women until the nineteenth century was well on its way, and it was not until 1848 that the first woman—Elizabeth Blackwell—was admitted to a medical college in the United States. The law as a profession remained closed until long after this; and the ministry of evangelical[2] churches has lagged behind the other professions.[3]

[1] See Hecker, *A Short History of Women's Rights* (1910), p. 174.

[2] As liberal as the Quakers had been historically—from them of course came a great disproportion of the leaders in women's causes—it was not until 1878 that they voted full equality to their women in managing property of the Society (*History of Woman Suffrage*, p. 783).

[3] It is easy to understand the irritation that women would feel as they surveyed the larger field of life, "ripe unto harvest," from which they were excluded as laborers, and the resentment they would feel at every organization that they blamed for their condition. Emily Collins exclaims, in a private letter: "Would to Heaven that women could be persuaded to use the funds they acquire by their sewing-circles and fairs, in trying to raise their own condition above that of 'infants, idiots, and lunatics,' with whom

And even where they were allowed to work they were not given pay equal to that received by a man for the same work. This led Senator Robert L. Owen, from Oklahoma, to say as late as 1910: "I shall not mock their necessity by calling them queens of the homes, and then denying them the ballot, which is necessary to enable them to receive equal pay for equal work. Equal pay for equal work is the first great reason justifying this change of governmental policy."[1]

When women, progressively conscious of their powers, surveyed the field of social relations in general, they were painfully conscious of how much the world suffered for want of them. And it was to the great and obvious utility of freeing their powers for the humanizing of life in general, as they were admitted to have humanized the domestic sphere, that they made constant

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our statutes class them, instead of spending the money in decorating their churches, or sustaining a clergy, the most of whom are striving to rivet the chains still closer that bind, not only our own sex, but the oppressed of every class and color" (*History of Woman Suffrage*, p. 92).

[1] *Annals of the American Academy of Social and Political Science*, XXXV (1910), Supplement, p. 7.

and continuous appeal in seeking complete emancipation. In a word, as it was so well put by Anna G. Spencer,

> Women must be given the duty and the responsibility as well as the protection and the power of the ballot in order that there may be established a free, recognized and obvious channel by which the value of woman's contribution to the State may be conserved and effectively applied to social welfare.[1]

3. *Self-development.*—It was all well enough to allege as the utilities that would justify woman suffrage (1) protection of her rights within the home and (2) enlarged fields outside the home for her generous energies. But it would inevitably come home to women, however unselfish they might be, that they must first *be* somebody before they could *give* anything to others, whether in the home or in the world. Preoccupation with growing children had taught them to safeguard and foster human development as a virtue in itself. Constant contact with men whose only, and oftentimes by women admitted, superiority arose from superior opportunities for development, brought home to women the great

[1] *Ibid.*, p. 15.

lesson that development, like charity, should begin at home. Women were both from their nearness (almost invariably) to growing children under them and (not infrequently) to matured men over them peculiarly well placed to see and to emphasize that the final justifying end-product of all political and economic freedom is fully developed personalities. Here, if anywhere, women had, and have, an opportunity to make a contribution, not wholly new to be sure but greatly needed, to democratic government. A few citations will indicate how great the emphasis that women themselves put upon this important point as justification for the rights they claimed.

The first of a series of resolutions adopted by the Thirtieth Anniversary Woman Suffrage Convention, held in Rochester, 1878, was: "That as the duty of every individual is self-development, the lessons of self-sacrifice and obedience taught women by the Christian Church have been fatal, not only to her own highest interests, but through her have also dwarfed and degraded the race."[1] Long before this, Gail Hamilton had

[1] *History of Woman Suffrage*, p. 787.

seen that the justifying virtues of the demand on the part of women for freedom were contained in the objections then raised against the movement, "that the exercise of that right will change, first, the womanly nature, and second, the womanly sphere."[1] Finding, in kindred spirit, the virtue of woman suffrage in the very changes it would produce in women themselves, Dr. Jacobi declared:

> The demand to emerge into political individuality from a condition of political non-existence,—the demand to become recognized factors in the political life of the State, implies, and also forbodes changes in the social status of those demanding, which is of far more consequence than any of the special reasons which may be urged in support of the demand.[2]

The same writer elsewhere remarks that:

> The gravest consequences of denying the right to an effective opinion is, that this denial soon atrophies the power to form a just opinion. The greatest importance of democracy is its power to develop power in the masses upon whom it has been conferred.[3]

[1] *Op. cit.*, pp. 75–76.

[2] *Op. cit.*, p. 3.

[3] *Op. cit.*, p. 133.

And again she says,

> If the highest utility in a democratic state lies the development to the utmost of all the capacities of all its members, ... it is superfluous to try to show further that the enfranchisement of women would redound to the welfare of the . . . . State.[1]

Assuming that women have differences from men other than those that lie, as an opponent of suffrage had declared, "in the unlikeness of her garments and in some anatomical discrepancies," Mrs. Anna G. Spencer goes to the very heart of the matter in her statement that:

> Women are not so different from men as to become strong in character without having the discipline of moral responsibility or become broad-minded and socially serviceable without the opportunity to 'learn by doing' the duty of a citizen. Men and women are different, but not so unlike that they can become fully developed human beings in circumstances totally different.[2]

But it is to an earlier advocate of woman's rights, one of the very earliest significant voices raised in this country, that we should look if we wish to find the most en-

[1] *Ibid.*, p. 191.

[2] *Annals of the American Academy of Political and Social Science*, XXXV, Supplement, p. 12.

thusiastic emphasis upon spiritual development as the ripest fruit of freedom. I refer to Margaret Fuller, whose *Woman in the Nineteenth Century*[1] awakened the slumbering fires of ambition in many an American woman's heart. Herself a woman who had grown intellectually great under distressing handicaps, Margaret Fuller found growth intrinsically good. She quotes from the letter of a friend the fine saying that "the misfortune of our sex is, that young women are not regarded as the material from which old women must be made."[2] In a genial mood she accepts as a name for her ideal woman a verbal abomination coined by a hostile critic—"Glumdalclitches"—with the explanation that "We do not object to it, thinking it really desirable that women should grow beyond the average size which has been prescribed for them."[3] Explaining

[1] Published first in *The Dial* (Boston, July, 1843) under the title of "The Great Lawsuit.—Man *versus* Men; Woman *versus* Women," the essay was later published in a volume edited by her brother, Arthur B. Fuller, with an Introduction by Horace Greeley, and containing other papers also that related to woman. Present citations are to this volume (Boston: John P. Jewett & Company, 1855).

[2] *Woman in the Nineteenth Century*, p. 413. [3] *Ibid.*, p. 267.

why women had historically shown such interest in religion, she strikes deep at the psychology of the situation in her remark that "the women, shut out from the marketplace, made up for it at the religious festivals." For, as she not without pathos adds, "human beings are not so constituted that they can live without expansion. If they do not get it in one way, they must in another, or perish."[1] And then finally, we catch her in prophetic mood to learn that in the good time coming—

> There is no reason why women should not discover the secrets of nature are open, the revelations of the spirit waiting for whoever will seek them. When the mind is once awakened to this consciousness, it will not be restrained by the habits of the past, but fly to seek the seeds of a heavenly future.[2]

IV

We have now traced briefly the progress of the woman-suffrage movement through its early crucial stages, staying close to the literature of the leaders, and with an eye ever upon the norms and sanctions relied upon to make their claims seem reasonable. In

[1] *Ibid.*, p. 36. [2] *Ibid.*, p. 109.

following their emphases upon theology and upon natural rights we have recapitulated the philosophy of earlier American equalitarianism. In tracing through the various values which they foresaw to result from, and which they used as sanctions to initiate, freedom for women, we have both recapitulated some past emphasis and anticipated in part an approach to the philosophy of equality which shortly we shall attempt the more completely to derive from the acceptance in America of the doctrine of evolution, a doctrine little referred to by American women of last century. Their emphasis upon consequences, and among the various consequences their especial emphasis upon growth and development, is the most forward-looking aspect of the philosophy of woman suffrage. If the women pioneers of the nineteenth century may be said, in the vein of traditional courtesy, to have intuited a new basis for equality, then the masculine philosophers may in advance be said to have reasoned it out.

CHAPTER IV

EQUALITARIANISM IN QUEST OF A PHILOSOPHY

THE special pleading of Calhoun for slavery was paralleled by other more disinterested attacks upon the traditional idea-system that had served as foundation for the American doctrine of equality. The purpose of the present study does not permit an exhaustive account of the passing of the natural-rights philosophy. But we may conveniently recapitulate the history and decline of the conception by briefly reviewing Lowell's lucid essay entitled "The Theory of the Social Compact."[1]

I

After tracing its genesis in England (beginning, as Lowell thought, with Richard Hooker's *Ecclesiastical Polity*, 1594), its importation to America, its decline and passing in England under the Georges, its flaming

[1] *Essays on Government*, pp. 136–88.

up in France through Rousseau and the French Revolution, its belated appearance in Germany in metaphysical form, and then its gradual decline first in Continental Europe and finally in America, Lowell permits himself some general reflections upon the doctrine itself. It arose, because, when with the Renaissance the distinction for the first time grew passably clear between private right and public authority, origin of government by consent appeared as the only alternative to the divine right of kings. Consent as a foundation for government demanded some sort of technique through which it could be secured. Thus arose very naturally the social compact, standing on the nearer threshold of a state of nature in which men had been equal and free.

The chief reason for the persistence of the doctrine, as indeed for its origin, Lowell finds in the service it rendered existing interests. Whatever becomes at any time an indispensable means to a much desired end is guaranteed acceptance. Lowell thinks that no better example than the history of this conception can be found of Lecky's contention "that men are chiefly persuaded, not

by the logical force of arguments, but by the disposition with which they view them."

Though serviceable for the time in which it flourished, the theory really contained, as Lowell proceeds to show, the seeds of its own destruction. Consent could not fruitfully be thought of as given once for all. The only alternative to that, however, was anarchy. Moreover, as Spinoza and Leibnitz had long before pointed out, there was an element of naïve credulity in the assumption that a contract could be "intrinsically binding in a state of nature when other rights do not exist." But the chief cause for the decline of the doctrine Lowell takes to be the general change from speculative to positive thought and especially its historical absurdity, which became evident through an evolutionary philosophy and exploration of surviving semi-barbarous races. As it ceased to function usefully, it disappeared.[1]

II

But the conception of equality did not pass with the passing of its ancient basis.

[1] Like early forms of speech, however, it persists, and often with strength little abated, in popular thought. (See Lowell, *ibid.*, p. 171 n., and Merriam *American Political Theories*, p. 311.)

It is true that Calhoun had given it up altogether; but not all men are as logical as Calhoun, and few men have had such compelling desire to be rid of equality. Had this general philosphy been the only basis of equality, the latter would presumably have passed with the passing of the former. The fact that it did not so pass indicates that it had other sources of support. Like the hero of a once-popular ballad who, when his legs were shot away, fought still upon the stumps, the doctrine of equality lived on as though it too bore a charmed life.

It had become too closely connected with the concept of democracy to pass while democratic government was spreading throughout the world. There is, indeed, good historical ground for the supposition that democracy, whatever more it may mean, must at least mean some kind of equality. Plato rated democracy as a form of government very low because, among other reasons, of its insistence upon "equality between things that are equal and those that are not"; Aristotle, though more favorably disposed, admitted that for democratic states "equality is above all things their

aim"; Montesquieu thought equality the very soul of democracy; De Tocqueville identified democracy with equality; Locke certainly supposed that democracy involves at least equality of natural rights; Rousseau held equality as the precondition of liberty and the primary aim of all popular government; the American fathers shared the faith of Locke; and the French Revolutionists wrote "equality" into their trinity of aims. Historically all intelligent critics alike have confessed democracy's equalitarian complexion: some have called that complexion its virtue, others its defect. Such modern authorities as Sir Henry Maine,[1] Sir James Stephen,[2] and in America a group fairly represented by President Nicholas Murray Butler,[3] have sought to show that in the democratic household there is division and that, since liberty and equality cannot dwell together, equality must go. Along with these critics, who have been unfriendly toward democracy conceived as equality, may be listed also the brilliant French student Faguet. No one has set out better than he the

[1] *Popular Government.*

[2] *Liberty, Equality, Fraternity.* [3] *True and False Democracy.*

close connection between democracy and equality, though it be but the more tellingly to parade the defects of democracy.[1] In picturesque language he declares that "the people's one desire, when once it has been stung by the democratic tarantula" is "that all men should be equal, and in consequence that all inequalities natural as well as artificial should disappear." But there are contemporary friends of democracy who are as quick to praise as Faguet is to censure this equalitarian emphasis. Conklin declares that "equality is the dearest of the democratic graces";[2] Professor Dodd, in a brilliant delineation of "The Struggle for Equality in the United States," surpasses even De Tocqueville in asserting that "democracy is equality, economic, political, and even social in large measure";[3] Dean Inge of St. Paul's feels assured that "democracy, as a form of society, rests on the idea of social equality";[4] and Lord Bryce has in the intervening century found some confirma-

[1] *The Cult of Incompetence.*

[2] *Direction of Human Evolution*, p. 127.

[3] *International Journal of Ethics*, XXVIII, 456–84.

[4] *Atlantic Monthly*, April, 1922, p. 291.

tion for De Tocqueville's broad contention that "the love of equality is stronger than the love of liberty."[1] While not all contemporary students of democracy are as emphatic as are these, yet such citations indicate that long after the notions of natural rights and the social compact have become, as Lowell phrased it, "exploded theories," equality is still emblazoned upon the democratic banner.[2]

III

But, with natural equality confessedly refuted, what forms has the assertion of equality taken in America since the Civil War? An answer to that question will lead logically to a consideration of the newer bases of human equality. Speaking generally, the doctrine of equality has undergone two closely connected transformations. The first change was from the assertion of equality as a past or present *fact* to the declaration of it as a worthy *ideal*.[3] Lincoln's well-known and clear-cut observation upon the

[1] *Modern Democracies*, I, 68.

[2] Merriam, *op. cit.*, pp. 308 ff.

[3] This shifted emphasis has already been alluded to in the discussion of woman's claims to equality. (*Supra*. chap. iii.)

equality clause in the Declaration of Independence, while more an interpretation than an exposition, reflects clearly this changing status of the equality doctrine. Calhoun's argument against natural equality needed for its support such a philosophy as slowly fought its way to acceptance in America in the latter part of the nineteenth century in the form of organic evolution. The newer anthropology, built upon an evolutionary foundation, brought facts to confuse those the strength of whose theories lay in an appeal from existing inequalities to a rosier period in a hazy past. With the researches of Spencer and others, it became increasingly clear that the more remote the antiquity to which one appealed, the greater the inequality of men; the more primitive the people studied, the more complete the dominance of some over others and of the tyranny of custom and superstition over all. Equality, like freedom, ceased to appear an original datum of human nature, and came to be an achievement of the social process, as Calhoun had contended. From a claim of fact, equality thus, through the slow metamorphosis of scientific discovery, came to be ac-

cepted as an ethical ideal. Rousseau had foreshadowed such a shift, in his declaration that "it is precisely because the force of circumstances tends always to destroy equality, that the force of legislation ought always to tend to maintain it." But with him equality was not merely to be gained, but rather to be regained.

Rousseau, of course, put the blame for this disparity between the ideal and the actual upon social conventions. But with the nineteenth-century recognition of this hiatus, Nature herself underwent a transvaluation of values. From being the benign giver of all good gifts and the guarantor of all those given, as the eighteenth century had tended to picture her,[1] Nature now became

[1] Cf. Hardy's *To Outer Nature*—

"Show thee as I thought thee
When I early sought thee,
Omen-scouting
All undoubting
Love alone had wrought thee—

"Wrought thee for my pleasure,
Planned thee as a measure
For expounding
And resounding
Glad things that men treasure."

the niggard stepmother, who not only gives nothing good but wars continually against the weal of her hapless ward. It remained for Huxley, the ardent disciple of Darwin, completely to unmask Nature. From her man could expect no unmerited favor; from her he could learn nothing of moral worth. Conceived at her best, Nature wore the mien of utter neutrality—

> " . . . . some Vast Imbecility,
> Mighty to build and blend,
> But impotent to tend,
> .....
> an Automaton
> Unconscious of our pains."

Conceived at her worst, she became a "monster, red in tooth and claw," destroying without prevision the products of her own processes. "So careful of the type she seems, so careless of the single life." Man's hope and aims, his moral interests and his plans for betterment are precisely what distinguish him most sharply from such a natural order. Ethics has nothing to do with Nature, except to superimpose, wherever possible, an alien law and a steady hand of control upon her effrontery, brutal in its indifference.

Huxley's picturesque way of putting the matter was not lost on American thought.

This attitude found clear expression in America through Edmond Kelly.[1] On the one side is Nature with all her inequalities, including a most radical inequality of men; on the other side is man, the product of Nature, seeking to control her for his own ideal ends. Kelly says,

> Justice may, then, be described as the effort to eliminate from our social conditions the effects of the inequalities of Nature upon the happiness and advancement of man, and particularly to create an artificial environment which shall serve the individual as well as the race, and tend to perpetuate noble types rather than those which are base.[2]

While this thoroughgoing antithesis between man and Nature was not accepted by all who considered the problem of human inequality, nevertheless that aspect of it which necessitated making an ideal rather than a fact of the claim of equality marked one important change in the American doctrine.

As the second transformation, equality as

[1] *Government or Human Evolution*, especially in Volume I.

[2] *Ibid*, I, 360.

a general abstract doctrine got dissipated into specific claims more or less concrete. The evolutionist could not find equality in the past; common-sense observation had always failed to find it in the present; it must therefore exist as an ideal to be realized in the future. But if it is to be a program for achievement, it must substitute for its general far-away character a certain concreteness, for effective action is always specific. A fact may be as general and as broad as it is and if the chief basis for the assertion of it is merely the desire for its existence, then there is no restraint from asserting it in its most general form. With some such motivation, the traditional philosophy had with a generous sweep declared that *all* men are equal, without the trouble of adding any qualifications whatsoever.[1] But if one sets up a program for action where the diffi-

[1] Cf. C. T. MacCunn, *Ethics of Citizenship*, "It would have been enough to make out a case for equality before the law; or for equality in vote and in eligibility to office; and perhaps for some effectual abatement of inequality of social status, and of fortunes. But they did not think so. In an evil hour for their cause, they took up a position which they thought to be strong because it was so exhaustive, and even by public declaration proclaimed 'equality of men'" (p. 3).

culties are many and hard, prudence dictates that, instead of making his aim so inclusive as to discourage, if not outright to inhibit, endeavor, he make his claims modest enough and concrete enough to facilitate their realization.

And so the persisting claim of human equality, general and factual, simmered itself down in America during the nineteenth century to three major claims, each more or less specific: (1) all men ought to be equal before the law, (2) all men ought to have equal access to the suffrage, and (3) all men ought to have equality of opportunity.[1] This is not to say that from the beginning in America a struggle had not been carried on for concrete equalities; but in earlier times equality was something other and far more than specific equalities: the fact that *it* existed gave moral validity to the claim that *they* ought to exist. And so the emphasis upon natural rather than civil equality. But following the decline of the natural-rights doctrine—and the sequel shows the shift in emphasis to be

[1] This third claim, while having a large vague connotation, came especially to stand for economic and educational aspiration. All these claims were made of women also in proportion as the woman's rights movement forged to success.

important—there came a time when the doctrine of equality seems to have dissipated itself into, and practically to have been exhausted by, these specific claims for concrete privileges.

This shift from fact to ideal in a relatively specific field of American interest but foreshadowed a long overdue reinterpretation of the nature and function of ideas throughout the whole field of philosophy. The claim of general equality, as already noted, tended naturally to take a past tense: men *were* created equal or they *were* by nature equal. This retrospective tendency grew out of the age-old human predilection to regard ideas as of ontological significance. This tendency stands out with all its challenging naïveté among the earliest civilizations. The Hebrews finding themselves possessed of dreams of brotherhood and idyllic bliss that were observable neither in their social life nor in their physical environment (the milk and honey of which was too allegorical to drink or eat) and yet feeling that there must exist a real counterpart to these ideas, put it in the past as a reality: hence the Garden of Eden. The Greeks, awakening to re-

flectiveness from the reign of the mythologists and finding themselves possessed of ideas also that found no satisfactory counterpart either in Grecian society or in Grecian geography, and yet never doubting that ideas have ontological meaning, supplemented their barren present with a richer, realer past: hence the Golden Age. Plato, when Greek thought had come to maturity, was still so under the domination of this fundamental assumption of the ontological significance of ideas that, finding himself and others possessed of such charming ideals as seemed not to befit any earthly past, however remote, he put them out of time altogether in order to make them the realest of all things and then invented a theory of knowledge by recollection to bridge the gulf between relatively real ideas and the realest of all things which the ideas meant. The future reference of ideas as constituting their meaning was, if present at all, very vague in either Greek or Hebrew consciousness. The putting of the Golden Age behind rather than before mankind, persisted all the more through the influence of Christianity, which interpreted ideas, whether good or bad, as

having real ontological counterparts already eternally realized in highest heaven or in lowest hell. The nearest approach that Christianity came to reading a future significance into ideas was in the imagery of the new Jerusalem coming down from God out of heaven: and even here it was realized in advance and given to man ready-made. Ideas have been in the history of man so unique, so magical, so comforting, that man could not believe them other than promissory of reality, and only with the coming of a technique of control did he begin slowly to suspect that their meaning might look forward rather than backward; that their promise was of something that *might* be in the future rather than of something that *necessarily* had to be in the past. This change from equality as a fact (which tended to be put in the past) to equalities of the sorts named (to be striven for in the future) prefigures a revolutionary change in the American philosophy of ideas and ideals.

The two closely connected claims of equality before the law and political equality indicate, for the most part, the negative direction taken by the equalitarian impulse in

America. Even if there were no theoretical justification, the practicality of law would have assuredly made its function negative. But to the practical considerations were added the weight of a laissez faire philosophy which held that government best which governed least. The whole Anglo-Saxon struggle for equality before the law—a time-honored aspiration transferred to America in the political habits of the colonists and brought to its final expression in the declaration of the Fourteenth Amendment that no state shall "deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws"—has been thus but a persistent effort to equalize the burdens of associated life. Justice was held to demand that necessary taxation, punishment for crime, and all other restraints that the law must lay shall be laid impartially. And so the extension to all of the "right to sue and be sued" represents "the culmination of an age-long experimentation with the problem of reconciling individual freedom and public order." Chiefly out of the desire to establish and to maintain

an equalization of burdens grew a demand somewhat more positive in its nature—an insistence upon the right to vote.[1] The story of this persistent demand and of its steady realization constitutes the most conspicuous chapter in the history of American democracy. Starting with a severely limited suffrage, the democratic impulse has overcome successively religious barriers, property limitations, racial disqualifications, and finally in our own day sex boundaries. Equal participation in suffrage has been avidly sought by an ever enlarging number primarily because it was felt to be the only effective guarantee that the negative terms upon which associated life shall be sustained are not to weigh more heavily on some than on others. This instrumental nature of political equality is indicated by Bryce's observation:

> Popular government has been usually sought and won and valued *not as a good thing in itself, but as a means of getting rid of tangible grievances or securing tangible benefits*, and when those objects have been attained, the interest in it has generally tended to decline.[2]

[1] Godkin, *Problems of Modern Democracy*, p. 56.

[2] *Modern Democracies*, I, 4.

The motivation of this struggle for political equality is also clearly set out in Bryce's further remark that "as a rule, that which the mass of any people desires is not to govern itself, but to be well governed."[1] In a word, the equality before the law, generalized by the Fourteenth Amendment and made effective by the universalizing of the suffrage in the Fifteenth and the Nineteenth amendments, indicates and completes this impulsion in its more or less negative aspects.

But equality as an ideal has also developed its positive form. "Equality of opportunity" is the general statement of the demand, but its influence has been felt specifically upon both the aims of legislation and upon the changing nature of the laws enacted. This more positive emphasis was little known in early America. With a continent of unappropriated but not unappreciated opportunities before them, the pioneers were little inclined to stress equality of opportunity.[2] So long as there was easily available enough for all, it was more natural that

[1] *Ibid.*, II, 501.

[2] Turner, *The Frontier in American History*, p. 343.

the maxim of conduct should be "each for himself"; for if the government would but preserve order and not oppress, every industrious man could take care of himself. When, however, with fuller exploitation of natural resources, it became apparent that the maxim of "each for himself" really left many hindmost as toll for the devil, new occasions taught new duties.[1] The popular cry for a freer field with fewer favors tended to develop the legal meaning that private interests may be of public concern:[2] law may sometimes tell men what to do as well as what not to do. *Pari passu* with the lengthening of the shadow cast by such foreseen outcomes as the passing of the public domain, complete monopolization of timber above and ores below the land, and even of the exhaustion of the soil itself, the cry for equality of opportunity approached unanimity as the official expression of the equalitarian impulses in American life. Ward represented the sociologists in declaring that "equality

[1] President Eliot of Harvard University clearly sets out this change in American philosophy in his little book entitled *The Conflict of Individualism and Collectivism in a Democracy*.

[2] The most celebrated statement being by the Supreme Court, *Munn* vs. *Illinois*, 94 U.S. 113.

of opportunity is the only means of determining the degree of merit";[1] Hart, the historians in listing among the living American ideals "equality of opportunity";[2] Conklin, the biologists in defining democracy as "a system which, ideally at least, attempts to equalize the opportunities and responsibilities of individuals in society";[3] Dewey, the philosophers in judging social institutions and political measures by test of "whether the general, the public, organization and order are promoted in such a way as to equalize opportunity for all";[4] Herbert Hoover, the men of affairs in finding the spirit of American democracy in "its glorification of equality of opportunity for all";[5] and Woodrow Wilson, following the emphasis that Lincoln before him liked to make[6] and applying also his own earlier conviction that the function of the state consists in an "equalization of conditions in all branches of endeavor,"[7]

[1] *Sociology*, chap. xii.

[2] *American Nation Series*, XXVI, 85. [3] *Op. cit.*, p. 101.

[4] Dewey and Tufts, *Ethics*, p. 483.

[5] *The World's Work*, April, 1922, pp. 585–88.

[6] *Works* (Nicolay and May), I, 179 ff.

[7] *The State*, secs. 1273 ff.

crystallized this common thought of the nation into a political program in his first campaign for the presidency.[1] Finally, President Eliot, at the close of the century, looking back upon a period that had completely accepted in principle and had, it felt, largely succeeded in establishing in practice the negative aspect of the equality ideal, summarized the contemporary American conception in terms of equality of opportunity.[2]

That both civil and political equality has been accepted in principle and more or less achieved in practice, that equality of opportunity has come to be unanimously accepted as the goal of social justice—these facts, significant in themselves, serve but to necessitate the question which this study seeks to answer, namely, On what basis, or bases, have these several equalitarian claims rested? Since it appeared to be the breakdown of the doctrine of natural equality as a *fact* that necessitated these claims as moral *ideals*, they cannot logically assume as basis

[1] *The New Freedom*. Wilson's basic plea in this remarkable collection of campaign speeches is that opportunities should be equalized by curbing the monopolies of the privileged.

[2] "Contemporary American Conception of Equality" (Phi Beta Kappa address at the University of Missouri, 1909).

the existence of a fact whose non-existence motivated their genesis. They have asserted that justice demands that men who are actually unequal should be treated equally. On what conception of justice does such a conclusion follow? Certainly not upon the traditionally accepted notion of justice. Aristotle's statement of the principle here involved rings as clearly now as when he made it. His canon of justice was: "If the persons be not equal, their shares will not be equal; and this is the source of disputes and accusations, when persons who are not equal receive equal shares."[1] Equal remuneration for unequal labor would hardly, as a general practice, be less complainingly received by the moral sense of our day than it was by the laborers in Jesus' parable of the vineyard.[2] Why, then, should men have equality before the law; why be given equality of opportunity?

IV

With equality become an ideal, its basis might be expected to shift from impersonal nature to human nature, from history to

[1] *Nichomachean Ethics*, v. 3:6.

[2] Matthew, 20:1–16.

psychology. And speaking broadly, this is what happened. A unified basis for the insistence upon specific equalities will emerge from a separate consideration of the influence upon American thought of three factors: (1) Christian theology, (2) Kantian ethics, and (3) Utilitarian philosophy.

And first it is well to correct and to complete the scant justice heretofore done to the influence of religion on the American doctrine of equality. The most available justification for not emphasizing more explicitly the influence of religion upon the early views is the fact that the church itself, seizing upon the conception of natural rights, poured its spiritual wine into the available philosophic bottles. Nature to the fathers was that which if called by a theological name would serve as well. Whatever consideration has been given to natural law as a basis of equality was therefore also at least implicit recognition of the religious influence. But more explicit recognition of it is demanded by the fact that while the religious influence did work hand in hand with the then-current political and legal philosophy, the former also worked right on after the latter

had ceased to dominate American thought. While the average eighteenth-century Englishman, permitting the Puritans "to glorify God and enjoy him forever," went on stolidly about his own business pursuits, as Professor Tufts remarks,[1] in America there was a difference. Torn from England at a time of foment and persecution and isolated in a new world of straitened environment,[2] Puritanism suffered a kind of arrested development. But having got in on the ground floor of the American enterprise, it showed a remarkable tendency to persist. Montesquieu's remark that "religion in England does no harm" did not apply to America. The influence of religion in America was profound, and this influence lasted well into the last half of the nineteenth century. While it is obviously true that religion has been most influential in keeping alive a faith in human equality among the class that has never yet discarded the belief that men are actually

[1] *The Individual and His Relation to Society*, p. 1.

[2] It was this phenomenon that caused Barret Wendell to suggest that "New England would be better named if, in the course of generations, it had come to be called Old" (*The Cambridge Modern History*, VII, 725).

equal also by nature,[1] nevertheless by social osmosis upward, and otherwise, religious influence has been strongly felt by those who have formulated American thought, especially by political and legal theorists.[2]

Now the whole weight of this influence, whether Puritan or otherwise, has been to keep alive a belief in human equality.[3] A glance at the nature and history of Christian doctrine will make apparent some of the reasons for this. From the beginning Christianity made men conscious of themselves by such large-scale contrasts as to minimize whatever difference there might be among them. The Augustinian and Calvinistic exegeses, to which Puritanism fell heir, seemed, if anything, to heighten these colossal con-

[1] Popular thought is still confessedly impregnated with the same political philosophy that was brought to America from Europe in the seventeenth century. (See *supra*, p. 132 n.)

[2] An influence recurrently expressing itself in, and perpetuating itself by, such far-reaching waves of revivalism as swept most of the colonies in the middle of the eighteenth century and many of the states in the middle of the nineteenth.

[3] Save, as noted in chapter iii, in the case of feminine aspiration. It was this whole-hearted anomalous discrimination against her that so troubled and puzzled the intellectual woman of the nineteenth century.

trasts. The whole race of Adam is so depraved when seen in juxtaposition with the blinding purity of God that there ceases to be degrees of even sin among men: "Whoever shall keep the whole law, and yet offend in one point, he is guilty of all." Even those who were snatched like brands from the burning had no distinction whereof to boast, for their salvation was by grace wholly unmerited. Natural men were equally lost; the elected ones were equally saved; and even the saved, when they saw themselves by the light of heavenly holiness—as they were encouraged constantly to do—were so wholly without human merit that they too, like the lost, were but poor worms of the dust. In such a milieu, human inequalities, like the witches in *Macbeth*, "made themselves thin air into which they vanished." Indeed, the infinity of this theologically inherited contrast darkened counsel so completely that such gross inequalities as had served for the unsophisticated Anglo-Saxon to mark the choice between dishonorable life and honorable death were beneath notice; for in Christ not only did economic and

even sex inequalities disappear but the bond and the free were one.[1]

The equality thus obtained through a kind of bankruptcy of human worth had great influence, at least by setting limiting conditions for all more specific thinking. But to the influence of this theological background was added more conscious and explicit emphasis looking toward equality. Close association of men fostered by religion at least once a week, its co-operative enterprises, constituted a sort of "practice of equality" very significant, as later discussion will show, even if viewed quite apart from theory. Moreover, God had created all races of men from one stock; all had lost their splendid birthright in Adam; Christ had died for all;[2] a common lot awaited all upon earth—birth, marriage, disease, death —after death, a common judge; and through

[1] "I am not aware that either Judaism or Christianity affirms the political freedom or the political equality of men in Rousseau's sense. They affirm the equality of men before God—but that is an equality either of insignificance or of imperfection" (Huxley, "On the Natural Inequality of Men," in *Method and Results*).

[2] The view at least toward which religious thought increasingly gravitated in America as the nineteenth century progressed, in spite of the early opposite direction given it by Edwards.

eternity for the saved a common guerdon, for the lost a common doom. The fundamentals of this theology—which was also a psychology and a cosmology in one—was driven home with a lasting emphasis in early America by Edwards. While, of course, the changes of a century made themselves felt in theology, eliminating now this crudity, now softening that sterness, yet the great influence of religion toward a doctrine of equality easily persisted into the post-natural law period. For almost, if not quite, throughout the nineteenth century, the changes in theology left singularly unmodified one tenet, a tenet too that served as a cornerstone for equality—a certain static view of the soul.

God himself is unchanging: "the same yesterday, today, and forever." Man is made in the image of God; it is indeed the possession of a certain substantial miniature of God's spirit that makes man, man—God breathed into Adam's nostrils the breath of life, and not until then did Adam become a living soul. Though there existed some room for haziness or even for dispute as to the exact *modus et tempus* of

Adam's descendants' receiving this spirit of God, the human soul, all were at one in holding that before it comes, man is not man; that after it leaves, man is but *corpus*. The Christian sects in Colonial times could disagree so violently on other things because they agreed so fundamentally on this. The deistic revolt in the eighteenth century left quite undisputed the commonly accepted doctrine of the soul. Paine clearly implies throughout his *Age of Reason* an unquestioned acceptance of the orthodox view upon this vital point, even had he not explicitly stated his belief in God and a hope for immortality of his soul "beyond this life." Moreover, the motivation at work is interestingly foisted aboveboard when in the next sentence he declares, "I believe in the equality of man." Paine, much in the spirit of Kant, wished to abolish spurious knowledge in order to make way for a valid faith, as he avows upon the first page of the *Age of Reason*. Franklin likewise, in his *Autobiography*, confesses a profound belief in the immortality of the soul. The Unitarian protest expressed itself through Channing as not merely acquiescent in but even insistent

upon the orthodox view of the soul as furnished to man.[1] The impatient yearning of transcendentalism culminated, through Emerson's articulation, in an over-soul to which men were related as more or less brightly flickering under-souls. Ingersoll, who after Paine was the *enfant terrible* of popular religious thought, certainly had not deeply questioned—even granting him capable of such questioning—the currently accepted view of the soul. The small influence on American thought of materialistic eddies in Europe is indicated by the fact that no well-known American philosopher or scientist of the period expressed a thoroughgoing materialism; and common thought was even less suscepti-

[1] Unimportant in this context, but supremely important generally, was the Unitarian insistence upon the inherent goodness of man; instead of satanic parentage and consequent total depravity, it asserted the universal fatherhood of God. Moreover, Unitarianism believed God to be good, because it believed the soul to be a divine microcosm. "The soul," writes Channing, "is the spring of our knowledge of God. . . . . We must start in religion from our own souls. In these is the fountain of all divine truth. An outward revelation is only possible and intelligible, on the ground of conceptions and principles furnished by the soul. Here is our primitive teacher and light. . . . . The only God, whom our thoughts can rest on, and our hearts cling to, and our consciences can recognize, is the God whose image dwells in our own souls."

ble to such leanings. Finally, the influence of Darwin, destined to create an impression eventually, made slow headway against such hoary and sacred views as those about the soul. During even the last quarter of the nineteenth century, leaders of thought in America who did not with true religious fortitude hold out faithful unto death against evolution, so diluted or compromised or compartmentized their acceptance of it as to guarantee practical security, if not actual immunity, to the soul, until the century was over.[1] Though amid this earthly dance of plastic circumstance all else should change, yet so long as the soul and God stood sure, a firm foundation remained for a belief in human equality. And so for half a century after the natural-rights philosophy had ceased to be consciously appealed to, this not unre-

[1] A scientist graduated as Doctor of Philosophy from a reputable American university in the first decade of the twentieth century was heard to suggest to a group of upperclassmen in a secular university that, while evolution may have produced the organism of the first man, he did not become a living soul until God breathed into his nostrils the breath of life! Verily, "man is not logical and his intellectual history is," as Dewey says, "a record of mental reserves and compromises. He hangs on to what he can in his old beliefs even when he is compelled to surrender their logical basis" (*Human Nature and Conduct*, p. 224).

lated religious account of the soul continued to serve as ground for the ancient belief. The combined weight of the limiting conditions furnished by religious faith to all American thought, as indicated above, the practice of equality fostered by the churches, and the universally accepted view of a ready-made soul—the weighty influence of all these religious factors was summarized in the universally acclaimed formula, "equality before God." Here, then, is at least a partial answer to the question raised above. Men ought to be equal civilly and politically, ought to have equal opportunities, because they are equal—before God. That is, men actually are equal, could they but be seen *sub specie aeternitatis*, as God sees them.

This notion of a furnished soul, which served so conveniently as a religious basis for equalitarian demands, was reinforced through a new approach furnished by the Kantian ethics, the influence of which on American thought grew as the doctrine of natural equality declined. When, in 1827, Francis Lieber, a German refugee of good mind and scholarly training, came to America, he brought not only a pregnant theory

of the organic as over against the contractual basis of the state but also a new account of the ethical nature of man. The German influence upon American thought steadily increased from then on to the close of the century. Lieber's college teaching and writing, particularly his pretentious and influential treatise entitled *Political Ethics* (1838), as well as his personal influence upon such other teachers of America as Theodore D. Woolsey, president of Yale and author of *Political Science*, all conspired to give him a large place in the beginning of the movement which, after the Civil War, culminated in a yearly emigration of American students to German universities. From all these sources, the German idealistic philosophy, initiated by Kant and culminating in Hegel, came, by the close of the nineteenth century, to be the orthodox philosophy of America.

The Kantian philosphy, though much more than this, was at heart essentially an ethical formulation. Taking his cue from the stupendous dualism of Christianity, indicated above, Kant comes out with that dualism still unresolved, though now clothed in the pretentious language of philosophy

and much belabored with heavy thought. The natural world of religion became in Kant's language the phenomenal world; the spiritual world, the noumenal, a world in which as the Idealistic movement progressed all values gradually congregated. Man shared both these worlds. His desires and interests tied him to the phenomenal. Pure reason itself moved in the world of time and space, and landed man, when sometimes it pushed impatiently at the bars of his earthly cage, in hopelessly bewildering antinomies. Only in the will as manifesting itself in practical reason could man enter the noumenal world of absolute freedom. But he could so enter. And since all men had this nexus with the real world, they were, in so far, equal. Autonomy of will expressing itself in the categorical imperative, as over against the phenomenal selves manifesting their nature in counsels of prudence, was the insignia of man's real self. The transcendental unity which Kant thus achieves no more arises out of the world of experience than does the soul of religion arise from a favorable concatenation of somatic atoms. Instead of arising out of experience, the Kantian self

is furnished to, and conditions, experience. Men are equal and should be treated only as ends precisely because *as moral beings* they tower above the phenomenal world of measurement and are consequently infinite. It is interesting to note that natural men, according to Christianity, are equal, because they are infinitely insignificant; whereas noumenal selves, according to Kant, are equal, because they, like the elect souls in Calvinism, are infinitely significant. Attribution to men of infinity always gives formal equality, whether through a leveling down to the equality of complete moral bankruptcy or a leveling up to the equality of absolute autonomy; for what is infinite can be neither more so nor less. That the motivation of Kant's metaphysical equality is not alien to that of Christian theology is also externally indicated both by the fact that he starts from a religious dogmatism and by the further fact that he uses his ethical outcome—autonomy of wills, from which flows his equalitarian doctrine of the kingdom of ends—to reinstate the traditional religious values, God, freedom, and immortality. The self of the Kantian ethics is thus,

like the soul of Christianity, a transempirical somewhat of which equality can be, ethically ought to be, and logically must be, predicated.

The utilitarian ethics, which also had considerable influence upon American thought, especially through legal and political channels, served in the long run, if not directly to emphasize, at least indirectly to assume, the same basis that has, as indicated above, appeared common to Christian theology and Kantian philosophy. Bentham's well-known antipathy to abstractions prevented him from consciously relying upon them. There is genuine insight in his remark that the judgments, "Justice, Right, Reason require it, and the law of nature commands it, and so forth; all are but so many ways of intimating that a man is firmly persuaded of the truth of this or that moral proposition, though he either thinks he *need not*, or finds he *can't*, tell *why*." Tabooing all such obscurantism, Bentham flattered himself upon his ability to tell *why*. "The general happiness principle" became the concrete touchstone to which he brought all demands for justification. It was hardly short of ridiculous, thought he, to claim that

men are naturally equal; but that does not mean, of course, that we should not have equality as an ideal, provided only it squares with the greatest happiness of the greatest number. Bentham believed that equality could not only pass the test of utility but that it had also great positive value as one of the means to the maximum of happiness. Equality, though one means to the good, is not the chief means to be emphasized. Before it come subsistence, security, and abundance. It is not to be insisted upon at their expense; but if, after they are assured, equality can be realized, the general happiness will be thereby increased.[1]

Bentham meant consistently to follow his principle that nothing could be justified except by showing as its increment an excess of pleasure over pain. But in the light of this, what can be made of his further demand that "each count for one and nobody for more than one?" It really means not only that in his mind justice is prior to pleasure, but also that the individual brings with him to the happiness-hunt something so import-

[1] This Bentham thought to prove by a kind of hedonistic law of diminishing returns (see *Civil Code*, chap. iv).

ant as to be taken for granted. This something is, psychologically put, a common susceptibility of all men to the "Sovereign Masters, Pleasure and Pain," certain fixed desires, a ready-made interest in pleasure. The fact that Bentham felt no need for distinguishing (as Mill later did) different qualities of pleasure indicates that what he took for granted in men was also assumed to be qualitatively equal. Men are men before Bentham begins to deal with them. He did not feel the need of indicating the method whereby selves arise, precisely because he assumed the current religious account of their genesis to be correct. In this assumption he seems to have been representative of utilitarianism in general.

There is no occasion here to score an easy point by citing from the so-called Theological Utilitarianism Bishop Berkeley's religiously motivated remark that "no distinction can be conceived between men," or such similar sentiments frequent from Berkeley to Paley; such views are foregone once the background is understood. But the significant thing is that what the theological utilitarians made the center of their empha-

sis, the non-theological utilitarians took for granted, starting with the religious presuppositions about the soul or using the whole theological paraphernalia as a convenient "sanction" for the enforcement of moral demands, as did Bentham. Both sets of utilitarians were at one in insisting upon a teleological justification as over against an a priori one. But the more the end served, the results achieved, were emphasized as the ethical criterion, the more unconsciously the individual at the other end of the relationship was assumed to be furnished ready-made to the situation. As Dewey observes, "the idea of a fixed and single end lying beyond the diversity of human needs and acts rendered utilitarianism incapable of being an adequate representative of the modern spirit."[1] The chief reason why this is so Dewey suggests in a later passage.[2] It is that fixity begets fixity: the logical counterpart of a fixed end is a ready-made self. Only here and there in the history of utilitarianism is there a suggestion of the possibility of the constitutive influence of the situation,

[1] *Reconstruction in Philosophy*, p. 183.

[2] *Ibid.*, p. 193.

the concrete social process, upon the individual as well as upon the end. One such suggestion—the most notable one—is Mill's well-known insistence upon a qualitative distinction in pleasures, a distinction which is as significant in describing the individual judging as it is in describing the pleasure judged. But Mill himself never saw the full meaning of this suggestion. It did not lead him to call in question the assumption of a ready-made self furnished to the specific situation.

So completely given (apart from the social process) are the selves with which law and ethics must deal that utilitarianism disintegrated society into a thoroughgoing atomism. But, as in many another case, it was found easier to decompose than to reconstruct: the terms of the analysis left no basis for an adequate synthesis. "Sanctions" so external as to be suspiciously like compulsion were invoked, but there was no final resolution for this atomism except the power and grace of God. This was frankly admitted by the early utilitarians, like Berkeley and Paley and Tucker; assumed by Bentham; and made the subject of serious

concern by the later utilitarians, Mill, Bain, and Spencer. That the efforts of the latter group, though laudable and helpful, were not entirely successful is seen in the reversion of Sidgwick, perhaps the keenest as well as the latest of them, to the old-time theological aid for final resolution of this problem. The renewal by Sidgwick at the close of the nineteenth century of the original rapprochement between utilitarianism and theology but serves to indicate that a certain common view of human nature was inherently fundamental to both. At bottom this common element may be reduced to the same conception already seen to be shared by theology and the Kantian ethics, namely, the notion that the "essential attribute" of man is a soul furnished to him independent of the social process. All these systems of thought found a place, of course, for growth: Kant set the soul the task of subduing all desires to the mastery of a universalizing reasonableness; the utilitarians, the task of creating out of external compulsions internal sanctions; and Christianity, the task of adding the Christian virtues, of "growing in grace and knowledge." In all of them, in-

deed, the task of the soul was growth; but the soul was as given as was the task. The very nature of the given logically involved, and made inevitable, the nature of the task assigned it. Though there might have been differences as to just what and how much was given, for all of them alike at least the core of individuality was furnished. Locke himself had reduced the given to the minimum; but though the human *tabula* was *rasa*, still the *tabula* was *there*.[1]

The fundamental place which this conception of a given self as the true differentia of man has found for itself in these three major movements of modern thinking and the persistence with which it has held that place suggest that before they were, it was, and that it set the limiting conditions of those thought systems even as they in turn have set the limiting conditions of modern American thinking. The former suggestion is foreign to our present purpose; the latter is the fact upon which we are now insisting.

[1] Cf. Dewey: "Orthodox psychology starts from the assumption of . . . . independent minds. However much different schools may vary in their definition of mind, they agree in this premiss of separateness and priority" (*Human Nature and Conduct*, p. 84).

Certainly from the decline of the natural-rights philosophy to the ascendancy of an evolutionary view (roughly from the middle to the close of the nineteenth century) these three currents of thought have been the dominating influence in America.[1] Even if there were other smaller influences at work independently, it is not unreasonable to assume that the conception that is seen to underlie the great thought influences would have had, *a fortiori*, a determining influence also upon them. As corroborating this presupposition, and at the same time showing the persistence of the notion of a soul, the efforts of psychology to become a special science by freeing itself from both theology and philosophy is thoroughly instructive.

[1] It is not meant to suggest, of course, that American thought consciously identified itself by name with either of these three movements. The doctrine of equality was a popular doctrine, whereas neither Kantianism nor utilitarianism as philosophic movements were popularly known at all. And while the religious influence was genuinely reflected in common sense at all stages of American thinking, yet the belief in equality certainly did not restrict itself to religious justification. What is meant is that the Kantian emphasis upon motive, the utilitarian emphasis upon consequences, and the popular doctrine embodied in the Christian view of the soul furnish convenient and fairly exhaustive principles of classification for whatever thinking did go on in America.

Traditionally, psychology, true to its name, was the "science of the soul." Its evolution began when it became "the science of mind." But upon discovering that, under a new name, old ways of thinking had covertly taken refuge, some psychologists sought a definition that could not be so conjured with, and psychology became the "science of mental states." Then the nemesis of the past devoured again the fruits of progress, and psychology evolved into the "science of behavior."[1] But this triumph was partially robbed of its meaning when "conduct" was found to rest upon fixed "instincts." And current literature bears further witness to the zeal with which man rises up undaunted to smite again his foes. The relentlessness with which the ghostly soul pursues man is seen in James's brilliant and almost poignant account of the history of the soul-conception. Though as a psychologist he himself had reached the "stream of consciousness" stage, yet as a man and a philosopher, writing at the very close of the nine-

[1] As the facetiousness of the time puts it, "Psychology first lost its soul, then its mind, and finally lost consciousness altogether."

teenth century and representing the most forward-looking thought in America, James confessed that "to posit a soul[1] influenced in some mysterious way by the brain-states and responding to them by conscious affections of its own, seems to me the line of least logical resistance, so far as we have attained."[2]

V

Postponing to the next chapter a fuller evaluation of the meaning of this persistent conception, it is here sufficient in summarizing this chapter to emphasize (1) that, being admirably adapted so to serve, this notion of the soul, common to all the large idea-systems influential in the nineteenth century, did actually serve as the fundamental basis of the American equality ideal; but (2) that it itself is now too much in the crucible any longer to serve as an adequate basis for the doctrine of equality.

And first as to the adaptation of the conception to support a belief in human equal-

[1] By which James understood a somewhat both "simple and substantial," as is clearly indicated in his famous chapter x, in *Principles of Psychology*.

[2] *Ibid.*, I, 181.

ity. The clearest meaning of the term "equality" is quantitative. Its strict sense appears in connection with mathematically measurable entities, a yard of cloth, a bushel of wheat, or an acre of land. When it is applied to qualities, they are such again as can in some fashion be measured. While this quantitative connotation lingered, the concept itself was put beyond danger of disproof through measurement in the bold theological claim that men are equal before God. Now, however, that we have examined two great modern ethical systems, we are better prepared to understand what that phrase meant. Its meaning was wrapped up in the conception on which Kantians, utilitarians, and theologians were at one, a given self. One does not need to see the products of a mint to predict that they will be equal. True, one might from careful scrutiny and weighing of silver dollars come inductively to the conclusion that they were equal; but he might also from an understanding of the mold predict with confidence that all the products of it would be equal. Not having been able to reach equality by the difficult inductive road, philosophers discovered the

royal road thereunto; they merely assumed the mint, from which equality of products followed of course. Equality before God, when thought thoroughly through, had chiefly to do with his keenness of vision; it merely meant that if *anybody* could see the core of men—the very "principle of individuality," as James phrased it—he would see that men are actually equal. God had the advantage in being the only one that could do this. This phrase was, then, but the religious way of putting what the philosophy of the time as truly, if not as graphically, presented. The "given" (and by definition it constituted the human differentia) was in all men equal because it came to them all from the same matrix of indefiniteness, whether that matrix be named, with the Hebrew-Christian tradition, "God"; or, with Kant, the "noumenal world"; or, with Spencer, the "Unknowable"; or, with the non-theological Utilitarians, be left unnamed and largely unacknowledged. Though the essential element of men was pushed beyond the reach of measurement, yet a certain feeling for fact, a certain reminiscence of the quantitative connotation of the concept of equal-

ity, is contained in the two attributes given to it from Plato to James—"simplicity" and "substantiality." A simple, substantial soul furnished to all alike from an unchanging matrix is so admirably adapted to serve as a basis for equality that it is not unnatural to suspect the harmony pre-established;[1] that the desire for equality created such a matrix as would insure equality in the products.

We have already stated in religious terms (*supra*, p. 176) a partial answer to the question raised at the beginning of this chapter. We are now prepared to state in terms general enough to include all influential elements in American thought a more complete answer. Men should receive equality of treatment, in the various ways assigned

[1] Interesting corroboration of this view is found in the most extreme arguments to prove the Negro unequal to the white. Before the Civil War, the most radical appeal was to the theory of "multiple origins" (*supra*, p. 78), it being felt apparently that if races came from different molds, no more was needed to prove them unequal. The converse implication is clear. When talk of racial equality grew freer, especially during the administration of the late Theodore Roosevelt, there was rather widely circulated in the South a book entitled *Has the Negro a Soul?* The argument was that he has no soul. Again the converse implication is unmistakable.

by the equality ideal, because they actually are equal. This fundamental equality consists in a common element given independently of the social process, through which, by general consent, it later develops. And so, without violating the common-sense dictum of Aristotle's that justice does not permit equality of teatment to unequals, nineteenth-century America was able to justify specific demands for equality by reasserting, in forms more acceptable to the spirit of the age, a doctrine that, stated merely in terms of natural rights, had been found unacceptable—the doctrine that men are actually equal. The beggar ejected in rags was welcomed when royally garbed.

Thus through the travail of arduous progress we have arrived at the original question, "Are men actually equal?" Without here arguing that question on its merits, it must be admitted that the trend of thought in recent years in America has been such as to discount the conception of a fixed soul and thus to undermine the belief that men are inherently equal. When Galileo set free the notion of change by declaring that the earth moves, he started a commotion that

has not yet subsided.[1] And when much later Darwin, catching the spirit already abroad in physical sciences, as Dewey says, "conquered the phenomena of life for the principle of transition," he planted a leaven of distrust that has worked constantly against such a conception of human nature as was basic to nineteenth-century thought. Nowhere has this leaven worked more fatally against the traditional basis for equality than in psychology. William James, as before observed, rested, at the close of the century, his ultimate faith upon a soul. But during the intervening score of years the same war against the same enemy has gone on incessantly. James himself lived to see new light. That the strenuous objections[2] now raised against "instincts" are directed

[1] The far-reaching effects of this dynamic discovery, though not foreseen, were nevertheless strangely foreshadowed by Galileo's contemporary opponents, but nowhere with more zeal than in the burning words of Father Inchofer: "The opinion of the earth's motion is of all heresies the most abominable, the most pernicious, the most scandalous; the immovability of the earth is thrice sacred; argument against the immortality of the soul, the existence of God, and the incarnation should be tolerated sooner than an argument to prove that the earth moves."

[2] See especially the *Journal of Philosophy*, Vol. XVIII, and the *American Journal of Sociology*, Vol. XXVII.

against the same ready-made element that formerly went under the name of the "soul" is admitted. Moreover, the motivation of those who oppose it is the same as that which has energized the struggle from Locke's encounter with "innate ideas" to the present reaction against "instincts." A recent writer has clearly expressed this motivation, in the following words:

> After all a scientific theory must not only state the truth but accomplish some laudable practical purpose. And the most laudable purpose, in the case of the sciences that deal with human affairs, is generally taken to be the preservation of those things which seem sacred and profitable to the preservers.[1] . . . . The social scientist has no need of instincts; he has institutions."[2] . . . . "If it can once be recognized clearly that the content of behavior is a culture content and not an instinct content, it will be possible to make rapid progress in the development of such categories as may be necessary for the analysis of the genesis and evolution of cultural behavior systems."[3]

Though a final analysis of equality may, as the history of psychology suggests, in-

[1] C. E. Ayres, *Journal of Philosophy*, XVIII, 604.

[2] *Ibid.*, p. 565. [3] *Ibid.*, p. 605.

volve a radical reconstruction of the notion of the self, the immediate demand is for a formulation of the inadequacy of a given self as a basis for equality. This formulation falls logically into two parts: (1) the given, conceived as measurable, affords no adequate basis for equality, because in so far as "souls," "minds," have been found measurable, they have proved unequal. (2) The given, conceived as immeasurable, affords no safe basis, because, so conceived, it has historically purchased a formal, general equality but at the price of real specific equalities.

As to the first defect, the fact that observation showed men to be unequal did not historically prove seriously embarrassing so long as observation confessedly could not get at the essentials of men. The basis upon which equality was asserted to rest was merely pushed beyond the pale of confessed inequalities. In this way the natural-rights philosophy, by being ever ready to appeal from "antiquity to antiquity more remote," gave equality an asylum by furnishing it a temporal inaccessibility; the philosophy that supplanted the natural-rights view, in like man-

ner, gave equality security by furnishing it with a psychological and theological asylum inaccessible to any but God, who, of course, never betrays man's deepest desires. The testimony of feeling (the pain of the victims of actual inequalities) was indeed adapted, as in Shylock's famous words, to make actual inequalities appear more important than ideal equality; but the influence of this factor was inhibited by the fact that the pain of the inferior (and consequently the inequality that produced it) did not seem so important to the superior, who was the spokesman for both, as did his own pleasure in believing in an ideal equality. The very lair of the soul must needs be invaded and inequalities be shown to reach to the nethermost essence of men. Without being aimed at, this result has actually been in process of achievement through the technique of applied psychology. Such constitutes for this study the profound significance of "mental measurement." It is, of course, too early to speak with assurance; but mental measurement has revealed and measured in the functioning of the so-called "rational processes" differences as significant as those observable physical dif-

ferences long admitted to constitute gross inequalities, as far as they went. It is difficult for even the most blinded democrat to laugh out of court as a hobby of scholarly theorists a process whose significance is so demonstrable as to convert the American military to its universal use during the late war.[1] Nearly two million men were measured,[2] were classified on the basis of the results, and were put to serving military demands, each according to his measure. Instead, indeed, of each counting for one and no one for more than one, an A might count for a half-hundred D's and some must needs be counted out altogether. Only equals were treated equally; inferiors were put on "kitchen police" or given discharges, the "honorable" nature of which depends upon one's philosophy of life.

The utility of mental measurement as applied in the army was sufficient to stimulate a wide interest in applying the principle to the pursuits of a democracy at peace. Colleges took it up as of value for an initial

[1] Yerkes, *Psychological Examining in the U.S. Army* ("National Academy of Science," Vol. XV).

[2] Yoakum and Yerkes, *Army Mental Tests*, p. 12.

classification of students, and scientific management in industry turned to it as a technique to facilitate correct placement. Moreover, Lieutenant-Colonel Yerkes, who had charge of the army testing, has already suggested the unexplored possibilities of the method in distributing labor in a democratic society.[1] If the deeds of the soul, as manifested in the records of army testing, are to be held more important than traditional words about the soul, then souls simply are not equal; for they functioned with every various degree of efficiency from genius to idiocy. Even though the soul be regarded as given, it nevertheless, in so far as measurable, suggests inequality rather than equality.[2]

Only the old expedient remains of holding that the inequalities revealed through observation and any possible measurement are

[1] Yoakum and Yerkes, *op. cit.*, pp. 196 ff. The most provocative application of the whole movement to democratic theory that has appeared in America is perhaps Lennes, *Whither Democracy?* a book with which every democrat should come to terms.

[2] A growing tendency since the war to examine the emotional factors in personality gives promise in the opinion of some psychologists of plumbing even more intimately the depths of the human soul.

superficial and that in their inaccessible essentials men are immeasurable and consequently equal. In the latter half of the nineteenth century this was the orthodox basis for equality. Dewey, as a young man, gave classic expression to this accepted view in declaring that personality "means that in every individual there lies an infinite and universal possibility, that of being king and priest."[1] But the extent to which such faith could go is best seen in the unrestrained declaration of Ferguson:

> Democracy implies infinity. Men are declared to be equal because it is discovered that all men, the least as well as the greatest, have or may have access to the Infinite. The obvious disparities become insignificant, in view of this great commonness. Infinity plus a million is seen to be no more than infinity plus one. If it were not for religion democracy would be inconceivable; if a man's soul is measurable and transient, democracy is ridiculous.[2]

The great change which the two intervening decades brought—a change nowhere better indicated than in the education of John Dewey—has robbed that conception of the old-time enthusiasm and left disillu-

[1] *The Ethics of Democracy* (University of Michigan publication).
[2] *The Religion of Democracy*, p. 36.

sion in its place. While such logic may prove equality, it is not the kind of equality that converts extravagant superfluities of the rich into a more adequate bread-supply for the undernourished poor. The history of such a basis for equality is refutation enough. The classic example of its meaning in America has been alluded to above. Apologists for African slavery put down without a twinge of conscience that the slave and the master were equal precisely in this sense: they both had infinite souls, and before God there was no difference between black and white, between bond and free.[1] For, as regards, "the right to serve God according to one's own conscience," "the poorest slave on earth possesses this right—this inherent and inalienable right; and he possesses it as completely as the proudest monarch on his throne."[2] Equality that arises from this basis, then, is such equality as is thoroughly

[1] No doubt it was this antisocial use to which the conception of "equality before God" lent itself that helped to motivate the modern radical change in the very conception of God. (Cf. Dean Shailer Mathews' discussion of "Democracy," *Dictionary of Religion and Ethics*, p. 128 and G. B. Smith's *Social Idealism and the Changing Theology*.)

[2] *Cotton is King*, p. 329.

compatible with slavery. And while perhaps no contemporary example of quite such obvious flagrance exists, the logic of industry is at times strangely reminiscent of the logic of slavery. For the unskilled laborer to ask for bread and receive a ballot is more removed in time than in essence from Cotton Mather's slave's receiving "leave" to attend church instead of his liberty. Equality that is so infinite in scope does not fit finite cases; it dispels them. Such equality is merely formal; and, by becoming an instrument of exploitation to the superior and a source of compensation to the inferior, it functions to make impossible any real equality. This is the reason why Professor Tufts, in speaking for modern men, declares: "We are not satisfied with formal phrases of equality because we see so many abstract uses of the term, wherein the old equality straightway turns into inequality."[1]

[1] *Biblical World*, XLVIII, 9–14. The outstanding example of Professor Tufts' statement is the use to which "freedom of contract" has been put in industry. It often happens that such "freedom" means to the laborer but an enforced trading-off of his birthright for a mess of verbal pottage. To get "effective personal freedom," as the British Labor party phrases it, American laborers have had, on occasion to argue *against* freedom of contract, e.g., *Holden* vs. *Hardy*, 169 U.S. 391.

The equality of men, as based upon their measurable aspects, proves thus untrue; as based upon their immeasurable souls, unsafe. Such a dilemma has made the conception of a given soul an object of suspicion. This growing distrust, while quite outstanding in current psychology, is not limited by any means to psychology. In every field of modern interest the influence of Darwin has at last been felt. Even ethics is fast reconciling itself to a world where flux infects the very self of man. And what is more to be remarked on, theology itself has felt the influence, in some quarters being merely alarmed, in others impressed, and in still others converted. Political and social theories have remained longest immune; but a conception that is being discarded in every other field does not promise well as an abiding foundation for political and social concepts. Needed, then, by struggling classes a basis for equality that will be at once logically adequate, socially safe, and practically effective.

CHAPTER V

NEWER VIEWS OF INDIVIDUALITY AS PHILOSOPHIC BASES FOR EQUALITY

IF the impulse initiated by Galileo in astronomy, furthered by Newton in physics, and applied by Darwin in biology was really to be taken seriously—and it compelled such consideration—then the dissatisfaction with the notion of a fixed self—as sketched in the preceding chapter—was inevitable, after the passing of fixed species. Moreover, this revolutionary movement of thought involved not only the negative manifestation of dissatisfaction with the old psychology but pointed the direction for a positive reconstruction. If we are henceforth to assert that men are equal, it seems imperative that we must rest the claim on some new understanding of human nature and of its place in the world.

In this chapter, therefore, we shall seek to arrive at the newer insight into the na-

ture of the human individual, an insight which American thought has done more than its share to attain. Though maintaining our previous geographical limitation upon this altogether universal quest, we may well feel that the validity of our results will be far from provincial. We shall conceive the task of this present chapter in a liberal way; and while we shall not seek to write into the few pages an exhaustive history of the changing views of the individual as authentically reflected in American thought, we shall try to select such thinkers and such situations throughout our history as will do justice to every important motif in our developing philosophy. If, in order to do this, the argument should seem at times to run at loose ends, the procedure will hope to justify itself by its final results. To speak in more detail of the plan of this chapter, we shall set out with a broad account of that historic view of man and his world into which Darwin's work fell like a bomb. We shall not at the outset seek to do justice to all the far-reaching implications of evolution; but, scouting at first the fringes, then coming face to face with its fuller meaning,

we shall hope in the end to pluck out the very heart of its meaning for a modern philosophy of the individual. That is, using Darwin's work as a base, we shall go backward and indicate in a rapid survey the place of the individual in the American situation and the great emphasis which this pioneer land placed upon him. But we shall see that this practical emphasis upon the individual did not eventuate into full understanding of his nature before the coming of evolutionary insight. Then looking forward we shall see how gradually, very gradually, but with sure advance the whole conception of the nature of individuality, of intelligence, and of its relation to the natural world, has undergone significant change. With clearer insight into the nature of human selves, we shall hope thus to lay the basis for an intelligent opinion as to whether human individuals are equal, or whether, being unequal, there is still reason for treating them as if they were what they are not.

I

As early as Plato, men had become disillusioned as to trusting their dearest hopes

to realization in a world of change and uncertainty and discouraged as to the possibility of controlling such a world to their own ends with the instruments of control that were then available. This did not mean, of course, a giving up of their hopes, a discountenancing of their dreams; it meant rather a turning to indirection for that which direct means failed to secure them.[1] Since beauty is often disfigured on earth by a foul body, there must be—on the compulsion of human desire—a Somewhere glorified by "beauty shining in brightness." And what was true of beauty was for the same reason true of all other values. And from concepts of value, logical motives taking up where aesthetic and ethical motives left off, the asylum was extended to all class names, though the primary motivation was clearly indicated by Plato's reluctance to admit such concepts

[1] "If no site be found on earth for the Platonic city, its constitution is none the less recorded and enshrined in heaven; nor is that the only true ideal that has not where to lay its head. What in the sensualistic or mystical system was called reality will now be termed appearance, and what there figured as an imaginary construction borne by the conscious moment will now appear to be a prototype for all existence and an eternal standard for its estimation" (George Santayana, *The Life of Reason*, I, 80).

as "mud" and "hair." By the same laws of immigration that in America intermittently set the faces of the many toward any newly discovered El Dorado of gold or of oil, all the more desirable qualities migrated into Plato's happy Elysium of Ideas. Where a man's treasures are, there will his heart go also: unchangeable, stable, and ideal, these conceptual classes came naturally to constitute a superior kind of reality of which the world that flows by the sense is hardly more than a mere appearance. But, of course, if this superior reality is to have meaning, or is to function, for human kind there must be assumed a certain organ in man, which outreaching the feeble senses will possess him of the true, the beautiful, and the good. Recollection served this beneficent function in Plato's scheme.

Through Aristotle's genius these class names came to be more earthly and neutral, as befits the scientist and logician, but not a whit less real. They took on the natural-science form of species fixed and discontinuous, possessing attributes, the essential ones of which the human reason must discover or remain forever ignorant and impotent.

If Aristotle succeeded at all in bringing these fugitives back to earth, Christianity sent them all the farther into the heavens. Not only was thus the two-world view standardized for the future Western world, but its acceptance was assured by its being made into a religious orthodoxy with sanctions as terrible on the one side as they were beatific on the other. Mediating between these two worlds, the specious and the real, stood human intelligence—reason, conscience, faith —whose function was also made a matter of orthodox determination. This was the heritage, which practically unchanged in its fundamental aspects, the modern world came by in due course of time. It became thus the framework also of American thought.

It was of course precisely because the work of Darwin was at once seen, both in Europe and in America, to have implications for this hoary idea-system that accounted for the universal interest in, and the widespread popular distrust of, his conclusions. No theory, however radical, that stopped with the boundaries of biology could have caused a ripple on the consciousness of mankind. How far-reaching his re-

search was eventually to be nobody foresaw from the beginning; but enough was seen to make the general attitude one of fear rather than of trust. We are only beginning to see how profoundly and universally revolutionary was his innovation in thinking. An effort will be made before the end of this chapter is reached to set out more fully the meaning of his insight; but it is enough for our immediate purpose merely to suggest the perturbing influence his work had on the large inheritance sketched above.

The very title of Darwin's first book—*The Origin of Species*—was enough to arouse the deepest distrust. Those two nouns had not been on speaking terms since Plato's day: one of them seizes the very essence of the world of being; the other fixates the essence of the world of becoming. And whatever relationship had been found between the two worlds was quite the logical and ethical opposite of what Darwin's title implies. In short, species had no origin. To insinuate that they had was so to infect the real objects of true knowledge with flux as to destroy them. To destroy the arches of a bridge that connect it with one side is to render use-

less its connection with the other side. Since the noblest organ of human nature, reason, does not function in the world of becoming, to destroy the changelessness of the objects of knowledge was to deprive reason of a job. And since the essential attribute of man is rationality, the only remaining moat that protects the citadel of the soul is not too wide for pious fear to jump. Long therefore before Darwin explicitly applied his doctrine to man—*The Descent of Man* was not published until twelve years after *The Origin of Species*—indeed from the very beginning, the opposition had based itself squarely upon the inherited, the sacred, view of the individual. From the vantage point of this profound disturbance which befell American thought in the latter half of the nineteenth century, let us now orient ourselves in the American atmosphere by hurriedly surveying the earlier thought regarding the nature of the individual and his function in the world.

II

The early problem of American philosophy may be advantageously regarded as aris-

ing from the honest acceptance of two incompatible beliefs by the original American colonists. On the one hand, they brought with them the principle of liberty rooted deeply in a doctrine of natural rights and eventuating in a consistent emphasis upon the individual; but on the other hand, they brought with them the principle of authority rooted deeply in a religious reverence for a Deity whose soverignty was simply without reservations and heading up in a doctrine of human insignificance. If we follow even cursorily the early phase of this struggle between these incompatible beliefs, we shall see that it was the principle of authority that gained the first round of a conflict that even yet appears perennial. And this principle of authority connects directly with that view of man and his world which in a foregoing paragraph we have hastily derived from Plato or beyond. With this point in mind, consider the implication of John Cotton's reply to Roger Williams. When Williams complained that he had been driven out of Massachusetts for following his conscience, Cotton's long-since famous apology was: "The erroneous party suffereth not

for his conscience, but for his sinning against his conscience."[1]

Here is our ancient view well set out. Truth, like the platonic beauty, is a finished somewhat furnished ready-made to man. It lies about; but lest it should lie unnoticed, man has been provided with an organ, conscience, that discovers infallibly to him this furnished truth. It lieth so beyond man that walketh to direct his steps that without this double provision—secure metaphysical truth and psychological equipment guaranteed to get at it—he were hopelessly lost. The exoneration of God, as well as the salvation of man, depends in the last analysis upon some such faith; and so the persecuted no less than the persecutor accepts the premise. But the premise accepted, the conclusion is hard to avoid. Since truth is given and conscience is furnished, whoever does not see it is either a fool or dishonest. Roger Williams was confessedly no fool. He must, therefore, be dishonest: he was deliberately refusing to follow his conscience. Such men deserve to be punished. It is a matter of no concern to us that Williams might have replied in

[1] *The Bloudy Tenent Washed and Made White*, etc., chap. x.

the very same language to Cotton had his plea been logical consistency rather than religious toleration; but it is a matter of primary concern that even in pioneer America the individual was conceived in a ready-made world, was adapted to it by a ready-made organ, and was made responsible for the way these mutually adjusted cogs functioned.

If we turn hopefully from the outworking of the principle of authority to that of the principle of liberty, we shall find fruit of the same flavor. Consider the Declaration of Independence as an official statement of the American doctrine of liberty. Here one judicious glance will reveal the situation to be exactly parallel with the religious one just noted. The appeal is to the self-evident truth there enumerated. That men have certain rights is so self-evident that a wayfaring man cannot overlook the fact. Since the situation is political rather than religious, reason rather than conscience becomes the organ, though otherwise the two terms were practically synonymous for the age. George III and the British parliament were careless of American lives, disrespectful of American liberty, and utterly disregardful

of American happiness. But they were confessedly not fools. Then they must be dishonest and therefore unfit to rule over honest colonists who saw truth and sought it. It is a matter of no concern to us here that George III applied the same inherited view to the colonists; but it is of primary concern that even liberty in early America was grounded on absolutistic foundations, the true nature of which was to appear in the Federal Constitution.

It is well for us to remember that, though our forefathers clearly saw that they could not establish and maintain the dignity of the English throne and peerage in the forests of America, they did not see the similar incompatibility of believing in a hand-me-down individual functioning in a static world while they were engaged in the challenging task of constructing a social order in a world where every day brought the unexpected and where individual initiative and flexibility and spontaneity counted for everything, making daily the difference between life and death.

The early American thinker whose philosophy indicates most clearly a feeling for this

incompatibility was Benjamin Franklin, latest in the world's memory as he was earliest in our secular philosophic annals. The fact that Franklin became our first internationally known citizen tended to supplant the erroneous belief that America had no thinkers by the equally erroneous belief that all American thinking was preoccupied with the practical. Nothing could be farther from the truth. Franklin was not typical of early American thinking. No people have been more inclined to run to romantic excess. This tendency is seen in the fact that nowhere else in the world has been found a people who took more literally and enthusiastically to utopias. Consider how long Americans have taken literally and seriously the Jewish-Christian compensatory dreams contained in the Apocalypse. Consider the number of Brook Farms America has begotten and regretfully buried. Consider how in our day Mr. Bryan's eloquent word-pictures of the ideal republic and of the grandiloquent guerdon that awaits the saintly man move popular audiences to tears. Finding themselves in a land where countless situations baffled control, early Americans, like

the early Hebrews, converted the scarcity and want of actual fact into the milk and honey of gratifying imagination; finding money scarce and luxuries infrequent, they fled to a land in which the very streets were paved with gold; finding doctors scarce and deaths common, they fled to a fairer land in which there was no death at all; finding themselves prematurely old from manual toil by day and secret tears by night, pioneer women fled at least on Sundays to a land where God would wipe all tears from their eyes and where youth would never fade. Alternating, however, with these moments in which mind ran to compensatory excess in religion and to a corresponding sentimentalism in fiction and art, were the moments in which thinking must face the specific problems on which tomorrow's bread depended.[1] Franklin was pre-eminent in the

[1] Santayana has very well synthesized these two types of thinking in his remark that "the American is imaginative; for where life is intense, imagination is intense also. Were he not imaginative he would not live so much in the future. But his imagination is practical, and the future it forecasts is immediate; it works with the clearest and least ambiguous terms known to his experience, in terms of number, measure, contrivance, economy, and speed. He is an idealist working on matter" (*Character and Opinion in the United States*, pp. 174–75).

latter type of thinking and gave abroad to America the reputation that he himself sustained at home. It is quite probable, however, that had the reputation fitted America as it fitted Franklin, the conquest of this vast continent would have been even more rapid than it was.

For Franklin, honored at home, respected in England, and acclaimed in France, was really one of the great inventive minds of our race. The practical outcome of his inventive genius need not be retold here. But it is well to note that he generalized the practical attitude in such a way as in a measure to anticipate a much later development of American philosophy. In a way, no doubt, Franklin shared the prepossessions of his age; but also in a very important way he did not. Where religious enthusiasts and political reformers set man with a fixed soul off against ready-made truth, Franklin, without denying that view, was inclined to judge the worth of ideas by their practical outcome. Even in theory he went a long way on the road toward uniting the conceptions of the "true" and the "useful." Early in life he had fallen under the influence of

prevailing deistic opinions. With him, no sooner got than applied. A hasty pamphlet was the first fruit of his youthful belief. Its results were as immediate as it was spontaneous. But he was given serious pause as to the validity of his new beliefs by the treatment which he received at the hands of his own converts. As Franklin so delightfully puts it in his *Autobiography:*

> My arguments perverted some others, particularly Collins and Ralph; but, each of them having afterwards wronged me greatly without the least compunction, and recollecting Keith's conduct towards me (who was another freethinker), and my own towards Vernon and Miss Read, which at times gave me great trouble, I began to suspect that this doctrine, though it might be true, was not very useful.[1]

This suspicious tendency to associate truth and usefulness invades even more sacred precincts in his reply to President Ezra Stiles of Yale University regarding Franklin's attitude toward the divinity of Jesus. After indicating his uncertainty and his unwillingness to bestir himself much to resolve that uncertainty (since, being very old, he would so soon know the truth about it without

[1] *The Canterbury Classics Series*, pp. 108–9.

effort on his part!), he proceeds: "I see no harm, however, in its being believed, if the belief has the good Consequence, as probably it has, of making his Doctrines more respected and better observed."[1] After all, of course, there remains a long stretch between Franklin and William James: Franklin only associates truth and utility; James actually identifies them. Nevertheless, Franklin's own tendency to fall back on this similarity as being of functional value even in sacred matters indicates that in spirit he was not far from the kingdom of James. He might with some justice be called the "first American pragmatist." Finding the world plastic in his own hands, he proceeded to do his part in transforming both the social and the natural order, forcing each alike more closely to adapt itself to human purposes and needs. "*Eripuit caelo fulmen sceptrumque tyrannis.*" In his temperament was reflected, consciously and unconsciously, the demands that a pioneer enterprise makes upon human individuality—the imperative that transforming reconstructing energy must be

[1] Van Doren, *Benjamin Franklin and Jonathan Edwards*, p. 198

nursed and housed in human centers or let both nature and personality go undeveloped.

III

But not in Franklin alone nor in the direct emphasis upon practice alone is to be found the influence of this American imperative, this bias toward the concrete. In the adaptation to American molds of an essentially alien philosophy the same predilection also is to be observed. The whole idealistic movement from Kant to Hegel, which became the glory of the German philosophic mind of the nineteenth century, developed as the ideal counterpart of conditions political and economic, quite dissimilar to those that prevailed in America of the same period. And yet this philosophy found its way to America and became in time the dominant mode of thought here. Professor Rogers has hardly overstated the fact in declaring that "The English adaptation of German Idealism attracted . . . . the best speculative intellect of England and America, attaining in the universities a dominance that for a time was almost complete."[1] This triumph, how-

[1] *English and American Philosophy since 1800*, p. 208.

ever, did not come about without some adaptation in the philosophy itself. And the nature of this adaptation serves as a key to American genius. Though starting from Kant with its emphasis upon the individual, there was latent in this philosophic movement a tendency that ripened under most European conditions to a substantial negation of the significance of the finite individual and so led to a profound discouragment of any empirical attempts to find out the nature of individuals. In England particularly, Hegelianism has struggled long and hard to find any meaningful place for a thinking animal in a world already rational through and through.[1] There were three stages of this imported philosophy in America, and there is discernible a common tendency in each of them. The advance wave of this movement produced in America transcendentalism, with Emerson as its leading spokesman. The second stage is that represented by William T. Harris and the *Journal of Speculative Philosophy* on the one

[1] Especially is this seen in the philosophy of Bernard Bosanquet, whose major preoccupation is indeed with the individual but whose major burden is to show that the finite human individual "is *not* an individual in the truest sense." (Cf. Rogers, *op. cit.*, p. 286.)

side and by George S. Morris and his school at the University of Michigan on the other. The third stage is best represented by the philosophy of Royce. The common element in each of these three stages is the growing centrality of the human individual and a varying but increasing emphasis upon the significance of time. Let us note each stage more in detail as regards these traits.

Emerson got his transcendentalism, which he recognized as just another name for idealism, not from Germany direct, but through English sources and particularly through Carlyle. Now it is notable that post-Kantianism did not develop democratic tendencies in England any more than it did in Germany. Carlyle, catching what the general philosophic sequel shows to have been the inner spirit of idealism, used it as apologetic for an aristocratic, if not an autocratic, conception of life. Common men are "mostly fools"; and so for most men the best way of life consists in "swallowing one's disgusts, and doing faithfully the ugly commanded work." Great men are the pivots of civilization and the relation of common men to them is not alien to the relation Na-

poleon discerned between these same common men and his metallic implements of war. And so for the majority of mankind, "the vital point is not who decides, but what is decided on." Idealism, turned into a rugged romanticism by Carlyle, uses common men to make more lustrous the diadems of heroes of the race. That this whole idealistic movement was instinct with anti-democratic leaven is suggested by the fact that even under English constitutionalism it eventuated in Carlyle's popular hero cult and later in Bosanquet's overemphasis on the state,[1] just as in Germany it eventuated in support of a feudalistic hang-over, both political and military.[2] But Emerson, the cultural product of New England and the son of pioneer soil, took this same point of departure and used it to glorify each individual in every walk of life. His address on the "American Scholar" was a ringing challenge to individuality in the field of learned endeavor. In religion he called upon each man to become his own priest under God to

[1] See in particular Bosanquet, *The Philosophical Theory of the State.*

[2] See Dewey, *German Philosophy and Politics.*

the undermining of religious hierarchies. And in everyday living he not only discouraged submission to the dead hand of the social past but also discountenanced too much influence of one's personal past upon his own present. "Consistency is the hobgoblin of little minds." Loyalty to the here and the now rather than to the dead and gone; loyalty to the spontaneity within rather than to the pressure of either habit or tradition—this was his abiding counsel.

> A man should learn to detect and watch that gleam of light which flashes across his mind from within, more than the lustre of the firmament of bards and sages. . . . . In every work of genius we recognize our own rejected thoughts: they come back to us with a certain alienated majesty. Great works of art have no more affecting lesson for us than this. They teach us to abide by our spontaneous impression with good humored inflexibility then most when the whole cry of voices is on the other side. Else, tomorrow a stranger will say with masterly good sense precisely what we have thought and felt all the time, and we shall be forced to take with shame our own opinion from another.

What distinguishes Emerson most from Carlyle is not this emphasis upon the individual

but Emerson's willingness, yea insistence, that this characterization should apply not only to heroes but to all individuals. It is Emerson's belief that "a true man belongs to no other time or place, but is the centre of things"; and his further radical insight that this "new respect for the divinity in man,—must work a revolution in all the offices and relations of men; in their religion; in their education; in their pursuits; their modes of living; their association; in their property; in their speculative views,"—it is this theory of human nature and this willingness to see it applied as a principle of reconstruction that lead Dewey to characterize Emerson as "the philosopher of democracy."[1] If one considers the mystic levelling that results when "the individual soul mingles with the universal soul," it is doubtful whether Emerson is as democratic through and through as Dewey makes him. But the significant thing is that he remains as democratic as he does seeing that he sets out from a point of view which in other social situations has become the defense of an aristocratic philosophy. Influences were at work

[1] *International Journal of Ethics*, XIII, 405.

to neutralize the undemocratic leaven that lay hidden in the philosophy which Emerson received from abroad.

The freedom of the literary medium in which Emerson and other transcendentalists rendered their thoughts guaranteed that whatever transforming influence America had upon the imported philosophy would be manifest. The second stage, however, of the German philosophy in America labored under the disadvantage of a scholarly interest that considerably restricted the free interplay of American genius. When William T. Harris, in 1867, started at St. Louis, then a genuine frontier town, the *Journal of Speculative Philosophy*, he did so with the thought of familiarizing American students with the best that had been done in philosophy abroad, especially in Germany. And since he wished Americans to get the true philosophy pure from the source, he used the terminology of the Hegelians whenever possible. Moreover, he gave a liberal portion of his space to translations of what he thought the best writing then appearing in Germany. In summarizing the *Journal's* work for the first year, he says: "While the large

selection of translations has met with approval from very high sources, yet there has been some disappointment expressed at the lack of original articles."[1] After pointing out, however, that half of the articles had been original and all the translations had been new, he goes on to say that the complaint of the lack of originality was such as not to be met by the kind of original articles that had taken up his space. The complaints had been directed not against translations but against "what its authors are pleased to call the Un-American character of the contents of the Journal."[2] That is, to many of his readers, even his "original" articles were not original. To this feeling that American conditions ought to produce a distinctly American philosophy Harris had two replies. In the first place, there was not, thought he, any such distinctive philosophy in America. If so, queried he, "In what books is one to find the true 'American' type of Speculative Philosophy?"[3] In the second place, if America wishes to make its

[1] *Op. cit.*, I, 127.

[2] *Journal of Speculative Philosophy*, I, 127.

[3] *Journal of Speculative Philosophy*, I, 128.

contribution to the world and is to rise in its productions above an esoteric provincialism, she must come to her originality through mastery of what has already been done. Americans should expect no royal roads to insight: if they were to see beyond previous philosophers, they must first stand on their predecessors' shoulders. "If this be the goal we aim at, it is evident that we can find no other means so well adapted to rid us of our own idiosyncracies as the study of the greatest thinkers of all ages and times."[1] The cautious limitations thus adopted certainly inhibited any generous display of local color, but it promised solid compensations for the future. And the fact that Harris looked with hope toward the future and that he was so soon to give articulation through his journal to both the founder (Peirce) and the logician (Dewey) of pragmatism, makes genuinely prophetic the words with which he closes the foregoing defense of the conservative policy of the *Journal:*

> Our course, then, in the practical endeavor to elevate the tone of American thinking, is plain: we must furnish convenient access to the deepest think-

[1] *Ibid*, I, 128.

ers of ancient and modern times. . . . . Originality will take care of itself. Once disciplined in Speculative thought, the new growths of our national life will furnish us objects whose comprehension shall constitute original philosophy without parallel.[1]

But this influence of local conditions, to which Harris looked forward, did not begin to manifest itself anything like as freely on the technical products of idealism in America as it had on the literary products of transcendentalism until the last quarter of the nineteenth century, thanks to the prophetic nature of poetry. Even before the *Journal of Speculative Philosophy* discontinued in 1893, the leadership was passing from Harris at St. Louis to Morris at the University of Michigan. The latter was projecting under the auspices of S. C. Griggs and Company, Chicago publishers, a series of philosophical classics whose aim, like that of the *Journal of Speculative Philosophy*, was to introduce to youthful America German and other classical thinkers. But Morris, in his series, unlike Harris in his journal, meant to give a free rendering of German philosophy. This of course promised more of whatever dis-

[1] *Ibid.*, I, 128.

tinctively American point of view there was in existence at the time.

Of the series there is one volume that is of particular significance for our present interest. John Dewey, whom Harris had unreservedly encouraged to devote his energies to philosophy and whose first article Harris had published in his journal, who had been a student under Morris at Johns Hopkins, then a younger colleague of Morris at Michigan, and who later was to succeed Morris at Michigan, was invited to prepare a volume for the series. The choice of Leibniz' *New Essays concerning the Human Understanding* was significant in itself, considering the fact that the exposition was to be done from an Hegelian point of view. Here was a philosophy in which the ultimate element is the individual and in which the principle of individuation is the activity called "consciousness." Upon these two motifs Dewey rang enthusiastic changes in a volume which for its insight into Leibniz and for imagination and spontaneity will reward a reading. Whatever may have been the influence of the volume or of the series on others, it seems evident that the preparation

of this study on Leibniz deeply influenced Dewey himself. Standing on the shoulders of others, as Harris had advised, Dewey was on the way to an insight destined to outdistance even Leibniz. But not to anticipate, what is just here to be emphasized is that this second stage of German philosophy in America produced a volume which (under the guise of an interpretation, to be sure, since America had not yet reached its majority and the philosophic right to speak in its own name) made the individual the cynosure of all eyes and activity the constitutive principle for individuality. Even an infinite absolutism was capable under some conditions of tending toward a finite individualism; and America appeared to furnish the conditions.

The third stage of German idealism in America finds Dewey, who spoke for it in his academic youth, its outspoken critic in the interest of a philosophy dimly foreshadowed in his treatment of Leibniz. There have been many spokesmen for idealism in its third stage, reaching (say) from the last decade of the nineteenth century to the present time. Here must be mentioned

the long and honorable service to philosophic thought of the *Philosophical Review*, founded in 1892, and of the Sage School of Philosophy at Cornell University. But passing by institutional spokesmen, let us center attention upon two representative idealists who in presenting this point of view to our generation have leavened their loyalty to it with elements of native genius. The first of these is Josiah Royce, who began life, as he himself tells us,[1] among the Sierra Nevadas in a California frontier town but a few years older than himself. Child of the frontier in the New World, his earliest cultural inheritance, as he also tells us,[2] was a religious philosophy compounded of the two most advanced ancient civilizations, the Hebrew and the Greek. Adding to these deeply contrasting elements, he came back from his student days in Germany profoundly influenced by the two intellectual issues from Kant, themselves deeply discordant—the intellectualism of Hegel and the voluntarism of Schopenhauer. Royce spent a busy and productive life as professor of philosophy at Harvard University in a nobly serious at-

[1] *Hope of the Great Community*, p. 122. [2] *Ibid.*, p. 124.

tempt to synthesize, in an American atmosphere, a consistent world-view from these several fundamental motifs. Mindful alike in all stages of his growth of the profound religious and ethical values of life, he accorded Hegel first place and began his philosophic career by conceiving reality in terms of thought. Passing on by discernible stages of growth, he found himself in middle life with Schopenhauer and like influences predominant; and so he is better content to describe reality in terms of experience. Of this change and of its significance Royce was clearly aware. He says,

> In my first book the conception of the Absolute was defined in such wise as led me then to prefer, quite deliberately, the use of the term Thought. . . . . While this term was there so defined as to make Thought inclusive of Will and Experience, these latter terms were not emphasized prominently enough, and the aspects . . . . which they denote have since become more central in my own interests. The present is a deliberate effort to bring into synthesis, more fully than I have ever done before, the relations of Knowledge and Will. . . . . The centre of the present discussion is, for this very reason, the true meaning and place of the concept of Individuality.[1]

[1] *The World and the Individual*, I, ix.

Toward the close of his life, finding his early religious interest and his later ethical emphasis supplemented by a growing preoccupation with the social process, Royce reached the third stage of his growth in which he preferred to think of reality in terms of "community," loyalty to which represents man's highest duty.

These three stages do not represent violent breaks in Royce's life; indeed they represent no breaks at all, but merely a shifting emphasis. But this shifting emphasis was of the profoundest importance in Royce's philosophy. It was the way in which what we have been inclined to call the American emphasis was manifesting itself progressively in the inherited system that lay at the bottom of Royce's own philosophy. Though destined, as the sequel showed, to espouse a philosophy that elsewhere had tended to subordinate, if not to lose, the finite individual, Royce could not unlearn the lessons of a childhood spent in a mining camp and in the American public school, in both of which the finite individual is of ultimate significance. Though Royce in the San Francisco public schools was early intro-

duced in a way "not joyous but grievous" to "the majesty of the community"[1] and though he received many more pleasant introductions in later life, he never sufficiently overcame his individualism as to be other than "socially ineffective as regards genuine 'team play.'"[2] How then is this emphasis upon his individualism to be harmonized with his own growing emphasis upon the community? For, as an objector might well say, it is certain that Royce's abiding motivation was communityward, if he is to be his own judge. "My deepest motives and problems have centered about the Idea of the Community, although this idea has only come gradually to my clear consciousness."[3] To this objection one might reply, without total irrelevance, that perhaps Royce's intellectual emphasis was upon the community as a compensation for his insubordinate emotional predilection for the individual. Might it not well be that Royce did intellectual penance for temperamental sins? But less speculative and more to the objector's

[1] *Hope of the Great Community*, pp. 130 ff.

[2] *Ibid.*, p. 130.

[3] *Hope of the Great Community*, pp. 130 ff.

point, Royce's individual is a community, and his community is an individual. And even his "Great Community" is a rational system, a community of interpretation, to which finite individuals contribute constitutively and in which they maintain autonomy and fundamental significance. For Royce, in his better mood at least, will not have it that his Absolute conceived as Deity shall in his all-inclusiveness negate the humblest bit of finite experience in the process of unifying it with all other experiences into an Absolute whole. "There's no god dare wrong a worm." Whether Royce is successful in the attempt to maintain both an autonomous individual and an all-engrossing Absolute is not of primary concern here; but it is of primary significance that, as Rogers says,[1] instead of tacking on finite experience, as the English Hegelians had for the most part done, to an Absolute already fully characterized in terms of timeless logical content, and having therefore no obvious room for it, Royce starts by taking the finite fact seriously as a bit of real existence.[1] And more significant than his start is his

[1] Rogers, *English and American Philosophy since 1800*, p. 283.

ending. Through the struggle of many years, the individual may not have been reconciled by Royce with the Absolute, but if not, it is an open question whether his Absolute does not suffer more than the individual from the stubborn incompatibility. The utter centrality of the individual for American thought is well indicated by the serious and persistent way in which Royce throughout his whole life labored to reconcile the Absolute, which he would not give up, with the human individual, which he could not give up.

Sharing Royce's loyalty to human individuality, even to the point of letting the Absolute shift for itself, Professor G. W. Cunningham, an American idealist of the younger generation, quite surpasses Royce in another distinctively American emphasis —an insistence upon the metaphysical importance of time. It is of course true that Royce himself transcended the Hegelian right by insisting upon a certain reality for time; but Royce was never willing to admit temporal predicates to be of significance for reality. Just this, however, Professor Cunningham not only allows but insists upon. In a fine passage he declares:

Temporal process is a real process, and reality itself exists through and by means of the temporal series. Time is not limited to the merely phenomenal while the thing as it really is lies wholly outside temporal succession; it is within temporal succession and not elsewhere in some eternal and timeless sphere that reality is to be found. The real is temporal, and the temporal, real.[1]

Coming from an early appreciative study of Hegel[2] to a friendly criticism of Bergson,[3] Cunningham seems to have been more dangerously bitten by "the tooth of time" than any other American idealist, though none of the younger generation are entirely free from uneasiness in denying temporal attributes to reality. Time is accorded a fundamental place in Cunningham's thought throughout for the same reason that it was given an important place in Royce's thought in part—a mutual inclination to start with, and to conserve, the finite individual, and a mutual inability in psychological analysis to divest this same finite individual of temporal predicates. In his lucid and brilliant chap-

[1] *The Philosophy of Bergson*, p. 159.

[2] *Thought and Reality in Hegel's System* (1910).

[3] *A Study in the Philosophy of Bergson* (1916).

ter entitled "Creative Finalism,"[1] Professor Cunningham has played up both the Bergsonian motif of novelty in the temporal process of reality and, supplementing what he takes to be Bergson's a-teleological bias, the finality of the human ends for the specific situations in which they are set up and for the rational direction of which they function. Time is not only admitted to be characteristic of reality in general, because characteristic of the individual as our only clue to any more ultimate reality, but it is made even constitutive in the ontological process, because seen to be constitutive in the psychological process. It is not far-fetched to see in this, American conditions at work transforming inherited idea-systems. While Europe has long had individuals to spare, it has not historically been so in America. And while philosophers in Europe may have been so favored with leisure and so academically nurtured as not to have to keep up with the rising and the going down of the sun, it has not historically been so in America. It would certainly not be exceptional if the American philosophers discussed above

[1] *A Study of the Philosophy of Bergson*, chap. vi.

worked their way through college and milked their own cows even after they turned to philosophizing. In such matters time counts. And not even the espousal of an absolutistic philosophy, in whose ultimate reality time, it may be, counts for nothing, can keep Americans from asserting to be real what they have found in a newer land among relatively pioneer conditions to be the most real and most significant of all things—the individual bent upon reconstruction and time in which for him to do the job.

IV

We hardly need to bolster this theoretical emphasis upon the individual by the more practical emphases long obvious to all students of America life—laissez faire in economics, natural rights in politics, undisguised praise for the "self-made" man in commonsense philosophy. From the Declaration of Independence to Herbert Hoover's *Individualism*, loyalty to this abiding cause has been more uniform in America than elsewhere in the civilized world. And conditions that produced and maintained this loyalty have been adequate to raise up na-

tive apologetics and to adapt inherited philosophies. But this loyalty has been to the individual as a datum rather than to the individual as a problem. What the individual was commonly conceived as being has already been set out in chapter iv. Darwin's work was the first serious setback that this inherited assumption, as old as reflective man, received. And the seriousness of this new influence was very slow in appearing. How slowly the genuine significance of evolution manifested itself is shown most poignantly by the treatment Darwin's hypothesis received at the hands of its friends. Herbert Spencer saved from the ravages of his own empiricism and positivism a substantial remnant of that fixed order that had served historically as the cosmic counterpart of a fixed soul. This residue he reified, if not deified, with an appealing name of its own; put it beyond the transforming touch of human opinion; and made it emotionally compensatory with the use of a capital. Very much of the old conception of the universe was saved for the common man by the use of that magic epithet—"The Unknowable." It is significant that Spencer's public was American rather

than English. And Darwin fared even worse at the hands of an early admirer and chief popularizer in America, John Fiske. When Darwin wrote Fiske gratefully, "I never in my life read so lucid an expositor . . . . as you are," it was before it became apparent that Fiske's primary preoccupation with evolution was motivated by the desire to save the remnants of a traditional Deity and to bolster up a shallow optimism. Fiske brought a mind of some ability to bear upon the task, later to become very popular especially with religious people, of making evolution serve pre-evolutionary ends. And if we turn again to Royce, we shall find that the same word holds true. As a social theorist, Royce, together with J. Mark Baldwin, did something to turn the orthodox American emphasis upon the individual to an investigation of the nature and genesis of the individual.[1] And the resulting contributions were based no doubt upon evolutionary principles. But so far as Royce was concerned, the enveloping setting in which he put his evolutionary emphasis made the

[1] See Baldwin, *Social and Ethical Interpretations*, and Royce, *Essays in Good and Evil*, chaps. vii and viii.

emergence of the individual, by whatever process in time, but the manifestation of a self pre-existing and thus made evolution meaningless or useless. To this very process of rendering harmless a conception so perturbing to many even in Royce's day, he openly attributes his own lack of fear in accepting evolution. Well might he be fearless where other feared, for to him evolution was but one of the "comedies" of the true self; and in the drama all's well that ends well. And thus it would appear that, spite of his preoccupation with the individual and his half open-mindedness toward time, Royce never took Darwin's work with utter seriousness. An interesting passage from Royce upon this point will bear quoting.

I do not grow restive, in listening to the story of evolution, merely because I am well aware that the whole temporal view of things is largely illusory, and that the true Self, far from being subject to time, creates time. I rather delight in this craft whereby the Self thus hides its true nature in energetic nebulous masses and in flying meteors, pretends to be absent from the inorganic world, pretends to have descended from relatives of the anthropoid apes, pretends, in short, to be bounded in all sorts of nutshells; yes,

plays hide and seek amongst the aeons of forgotten time, when this planet was not, and demurely insists that without phosphorus it could not possibly have learned how to think. The Self has its comedies as well as its tragedies . . . . the comedies are as deep as the tragedies. The Self is as truly present in evolution as he is in sin and in ignorance. These are the World-Spirit's garments that we see him by.[1]

This is at best but a pseudo-evolutionism. All such attempts—and they seem destined to be perennially recurrent—are but camouflaging with modern terms pre-Darwinian views of the individual and of the reality he helps to form. Any view that has evolution stop short of novelties has its stop short of significance for a philosophy of the human individual. As over against all such half-hearted attempts to assimilate into philosophy the work of Darwin and of his successors, it is well to set the genuine tenets of a thorough evolutionism.

And continuing the historical sketch, our emphasis throughout this section will be upon the distinctively, though not exclusively, American movement of thought which has passed under the general name of

[1] *The Spirit of Modern Philosophy*, pp. 306 f.

"pragmatism." Though the names of James and particularly of Dewey will not be constantly repeated, yet it is chiefly from their work that the exposition draws, consciously and unconsciously, its spirit and materials; for it is here for the first time that we find a serious and sustained attempt to reconstruct every branch of traditional philosophy—including both the individual and his world—in such a way as to bring it into harmony with the results of the movement initiated by Darwin. Neither psychology, nor logic, nor aesthetics, nor ethics, nor theology, nor epistemology, nor even ontology is exempted.[1] Going beyond the earlier views of the individual, which for the most part ended with the emphasis upon his importance, we shall find here a fundamental effort to understand his nature and through this understanding to lay a basis for such control as will justify an ethical meliorism.

The most general results of Darwin's insight have been suggested at the beginning of this chapter. Species, which stood historically for ultimate realities, were no longer

[1] See Dewey's popular exposition of the scope and sweep of the undertaking in *Reconstruction in Philosophy*.

to be considered as changeless entities but as processes in the flux. But since the senses are able to lay hold upon such phenomena, the question is bound to arise as to the function of reason and eventually of that whose organ it is, the soul. Since, as we saw, the soul with its rationality was the equipment man boasted for making connection with the static reality that lay beyond the data of the senses, with that metaphysical counterpart invalidated, the reason was but a pathetic gesture toward the void, a lonely hand stretched out to empty air. That passing, this itself was bound to go. Both gone, what remained but a biological organism—a growing, decaying process negotiating through its senses with a changing, flowing world? The first contribution of Darwin is, then, that man is really an animal. We have so often said that man is an animal without meaning it significantly that even yet it is difficult to say it meaningfully. Though scientifically satisfactory to him, on occasion the implication of the doctrine gave even Darwin pause; for from this, as he says in one poignant passage, the "horrid doubt always arises whether the convictions of man's

mind, which has been developed from the mind of the lower animals, are of any value or at all trustworthy."[1] No testimony could be more convincing than this fear of Darwin's of the persistence into our day of the conviction that reality is static and that truth is an abiding relation between a given universe and a ready-made soul. This was a conviction that was destined to give way before a fuller assimilation of the meaning of evolution. Since man is what he is by virtue of an unbroken development from lower forms of life, whatever distinguishes him from these lower forms must have been attained in the process of evolution itself. Man's interest, if he would understand himself, is thus shifted to, and fixed upon, the process. And rather than looking for an "essential attribute" within to account for his assumed superiority, man must henceforth look to such observable characteristics as his erect posture, his opposable thumb, and most of all to his use of language.

But since the first dim variations that pointed to these characteristics would not have been preserved but for a struggle out

[1] Quoted from Rogers, *op. cit.*, p. 134.

of which only the best adapted could survive, Darwin shifts our attention to the necessity of the struggle and the conditions of survival. Man is seen not to be primarily rational[1] at all but to be fundamentally active like all other animals. Out of his active struggle in a reluctant, if not hostile, environment have arisen whatever further characteristics he may have. While man is not primarily rational, he is secondarily so. He is an animal who on occasion becomes ideational. That is, from being an animal that is propelled *vis a tergo*, as when directed by impulse or habit, man becomes on occasion an end-guided animal. The future as a determiner is substituted for the past and the present. But ideas, like all other human

[1] No better example than the case of rationality need be sought of the way the infant got credited with a ready-made soul. Men were found upon occasion to act reasonably. The child, who is father to the man, must also be rational—*ex nihil, nihil venit.* But since the infant does not act rationally, the soul must be not only ready-made but passive as well, waiting until at accountability it finds itself. This deliberate, but unobservant, reading back into earlier stages of subsequent developments is the most inveterate type of philosophic perversity that hangs over as a relic of a world so static that it could not possible produce anything new. Surely it is easier to conceive a new product to arise in the temporal process than to conceive the puling infant as rational. So to stretch "rationality" not only ruins a good term, but may also ruin a perfectly good infant.

characteristics, have been born of the struggle for a livelihood. This functional relation of ideas to activity is clearly indicated by the sort of occasion on which they occur and by the use they serve in the situation out of which they arise. Ideas are the counterparts of inhibited activity. As long as the instinctive responses of the human organism function smoothly, man does not have recourse to the response called "thinking"; but once these forms of activity are estopped, ideas arise, serve as stimuli for releasing the inhibited activity, and cease to exist once the other types of responding to the environment are normally restored. The enormous economy of such a technique in the struggle for existence cannot be overemphasized. The survival of man indicates the use of such a variation; the progress of man indicates its revolutionary economy; and the awe with which man has hypostatized and deified ideas shows the magic of their functioning.[1] But even if ideas be taken as be-

[1] Cf. Emerson's lines—

"Better it is than gems or gold,
And oh! it cannot die;
But thought will glow when the sun grows cold,
And mix with Deity."

ing man's peculiar characteristic, evolution counsels us to learn the value and function even of ideas from their genesis and not to rob life of its richest product and activity of its most effective control by making purely into contemplative objects what, being born of the struggle, should serve in the struggle.[1]

But ideas are capable of being induced by other means than by actual confrontation with the physical situation that in all its sternness would produce immediate death if the initial response were not correct. Problems may be set vicariously by others and ideas be thus induced. That is, in the foregoing individualistic account of the struggle

[1] As a corollary, which for the sake of completeness ought to be interjected here, we have the pragmatic conception of truth. Since there exists no static reality for ideas to copy or correspond to, all terms that apply to them must get their meaning from the process that generates and justifies ideas. Truth is but an abstract (and static) way of designating the quality represented by the adjective "true." The adjective is a less abstract (but still static) way of designating the activity represented by the adverb "truly." Ideas, then, are true when they function truly; and they function truly when they facilitate the concrete activity the inhibition of which produced them. Truth thus means as many different things as there are kinds of activity to be estopped; but it always means something utterly concrete, if its meaning be got at all.

for existence, a very important element has been omitted. Neither men nor most other higher animals have faced the environment alone. Most animals have lived more or less in groups and have survived because of this fact. With peculiar urgency has this necessarily been true of the human species. Because of the ever-lengthening infancy as one ascends the scale, social mediation between the helpless infant and the non-social environment becomes utterly necessary. It is the by-products of this necessity that are here to be emphasized. Even as Saul went to look for asses and found a kingdom, so long before the human organism is able to cope single-handed with his world he is made the recipient, willy-nilly, of all the group's ways of reacting, is provided with the most intimate and profoundly significant of all group habits—the talking habit with a full kit of verbal tools—and is fitted out entirely with beliefs ranging from the simplest meaning that outrun his momentary experience to the most time-defying theologies and theodicies.

It is upon this verbal inheritance that we must for a time dwell; for it is upon the tech-

nique which renders it possible that we must depend for a genesis of the self about which equality is finally to be asserted or denied. Action follows only upon stimulation: not because the organism is passive and must be prodded into activity; rather because activity cannot be *überhaupt* but must be connected with some specific situation. And while the organism may be surcharged, as in the case of well-formed habits, nevertheless it demands some sort of a releasing stimulus as an antecedent to activity. Stimulation is normally thought of as from the outside, and undoubtedly most activity is thus initiated in organic forms. Activity, moreover, is not only a consequent of stimulation but becomes in a certain sense a function of the stimulus. Who wields the stimulus controls the organism. This is an elementary fact for all trainers of animals. As one ponders over the far-reaching control that the stimulus exercises over the reaction and thus over the organism that reacts, he is bound to see the enormous potency that would be introduced into the conduct of any animal who should acquire a mechanism for self-stimulation. It would clearly mean an en-

larged field of stimulation and thus a liberation of initial conduct, with effectiveness guaranteed through power of subsequent self-correction. It is obvious, on the one hand, that no sub-human animal has this power in any marked degree; and it is equally obvious, on the other hand, that this very capacity is the secret of man's superiority over other forms of life. The dignity of man, as Professor Mead so happily phrases it, consists in the fact that when he calls upon himself he finds himself at home.

It is not that there is anything magic about the power of speech. If magic were our reliance, then we needed not to have come so far to find a basis for selfhood. And yet something suspiciously like magic has been the reliance of social theorists in our day. Since turning from a transcendental derivation of individuality, all modern theorists have put their trust in a supplanting social derivation, the commonest word to describe the technique for which has been "imitation." It has been the vogue with sociologists and social psychologists alike, and from their sanction has passed into popular speech: it is everywhere said that the

child gets his personality from his group by imitation. There remains yet to be pointed out a mechanism whereby imitation can produce this marvelous result. Imitation indeed presupposes the existence of the self in which it is said to result. Not until the mechanism is indicated shall we be any nearer the heart of our mystery than we were when we derived souls from God. And not even the modern group is as effective a magician as was the ancient Deity. Neither James nor Dewey has supplied this missing link. Neither of these philosophers has emphasized the magic word "imitation," but on the positive side they have supplanted it with no more promising medium. Dewey constantly implies the constitutive nature of the group's influence upon individuality: he constantly assumes that the human self is a microcosm of which the enveloping group is the macrocosm. But he neglects to render this assumption impregnable by pointing out the mechanism through which this novel and remarkable result is achieved.

It is to Professor George Herbert Mead that we must turn to supply this lack, the lack of a concrete and solid foundation for a

hopeful superstructure. His work has been to transform a result, that for all its scientific acceptance looked magical, into an explicable and controllable process. The mechanism that renders it possible for an organism to get a self from society is, to follow the Wundtian terminology, the vocal gesture. By the happy intersection of two senses, man is at once given the power both of self-stimulation and of self-correction. Man gives an order to a dog, and by giving the stimulus is enabled almost wholly to control the dog's behavior. Man gives orders to another man, and in so far as he wears the insignia of authority, controls thus the other man's conduct. But that is not all. For the one who commands has the same sort of ears as the one commanded. He hears the commands, that the other receives; and hearing, he reacts to his own commands even, in a measure, as the other reacts to them. That he does react to his own commands, though they are addressed to another, is proved by the fact that he understands the commands: a common reaction as a mechanism must underlie a common understanding, if understanding is not in turn to become magical.

This means of course that when one becomes able in stimulating another similarly to stimulate himself, he has reached the place where he is an "other" to himself; and can command himself as the "other" that he is. And this means that he has acquired the power of stimulating himself and thus of controlling himself with all the enormous gain and liberation that is thus implied. The elements of this mechanism need not necessarily be the mouth and ear: they may with lesser scope and effectiveness be the eye and the hand. But the power of speech is so much more adaptable that it is hardly unfair to refer to the mechanism as being exclusively the vocal gesture, a procedure that I shall follow hereafter.

That one comes to this capability genetically is experimentally verifiable; and that before he reaches this stage he does not think, is not self-conscious, has in short no self, seems certain. Helen Keller having reached a stage much more advanced in years than most children without being in possession of this mechanism—the vocal gesture, or any two intersecting senses—would seem to furnish a crucial case for Pro-

fessor Mead's account. And if one may trust her later retrospective account of her experiences, the theory seems experimentally made out. "Before my teacher came," she writes, "I had no soul, I did not think, I did not even know that I am."[1] This whole book will bear a careful reading with emphasis upon its facts and their scientific meaning rather than upon its emotional appeal and stylistic merit. The human infant starts life like all other organisms that lack the language habit: a natural object in a world of natural objects, reacting only to external stimulation and so minus all self-control. His first use of the slowly developing language habit is used to confess his lack of a genuine self. Even in his own eyes he is a "me," not an "I": that is, he is to himself what he is to others—an organism out there. The process of his becoming an "I" as well as a "me" is the process of his acquiring a self; and it apparently comes about through the agency of language. A four-year-old of my acquaintance was recently discovered by his father sitting up in bed in the early morning practicing a remem-

[1] Helen Keller, *The World I Live In*, pp. 113–17.

bered exercise on an imaginary piano. Pausing after each exercise, he addressed himself authoritatively: "Do it again!"[1] And then he proceeded to obey his own commands, through many repetitions. He was learning to see himself as others saw him, and he was coming rapidly, when he called upon himself, to find himself at home.[2] The self is thus, as Professor Mead says, "a development that arises gradually in the life of the infant and presumably rose gradually in the life of the race."[3] This resultant is achieved

[1] For this illustration and other indispensable considerations I am indebted to a doctoral dissertation at the University of Chicago by Dr. J. Goodwin Locke.

[2] If the barking dog and the singing canary in stimulating their companions stimulate also themselves to the same responses, they too have selves. Though as compared with man their vocal repertoire is severely limited, there appears no a priori reason why a basis is not present for a self as complete as their vocal equipment is adequate. If they have no selves, it is because, though having ears to hear, they hear not their own sounds; and having eyes to see, they see not their own movements. It is not to be overlooked of course that human beings differ greatly in this regard: from the college student who confessed herself "a complete wreck when alone" to the prophet who spends forty days alone as reinforcement against his great temptation; or, from another point of view, from idiocy to genius.

[3] *Journal of Philosophy*, XIX, 160 ff. Neither this article, entitled "A Behavioristic Account of the Significant Symbol," nor any other of his publications represents the full measure of my great indebtedness to Professor Mead.

"when the individual becomes a social object in experience to himself. This takes place when the individual assumes the attitude or uses the gesture which another individual would use and responds to it himself, or tends so to respond."[1]

V

We have come thus in our historical sketch to a promising culmination of the undeviating emphasis in America upon the individual. From a purely mystic or purely utilitarian assertion of his importance, we have reached what purports to be an empirical account of the way the individual arises in experience. Starting as an active physical organism in a physical environment, each member of the human species acquires a "soul." The group is the source, the vocal gesture, the most obvious constituent of the mechanism. The precise nature of this "self" is not to be dogmatized about. Its origin we believe to be temporal and empirical; the mechanism of its genesis is now conceived in concrete terms; and its functions are open to scientific observation and

[1] *Journal of Philosophy*, XIX, 160.

description. In the face of this, it seems gratuitous to assume it to be an independent entity, simple and substantial. In advance of further knowledge, it need not be assumed to be anything more than the biological organism directing its own activity through a technique that becomes more describable with further study. And as for the future, it will be acknowledged whatever it is found in experience to be. With this restatement in empirical, dynamic form of the genesis and nature of the self, let us briefly contrast the traditional view of the soul. The old contention insisted upon deriving selves from a common mold; so does the new account, with an important difference. But the rigid metaphysical and theological mold of the former has become the social and flexible matrix of the latter; and with this change, a soul so transcendentally derived that it could never adapt itself to the exigencies of earth and time has become a self socially constituted and adaptable, therefore, to the vicissitudes of the social process. The old contention insisted upon an inexpugnably given somewhat so fixed as to inhibit any thought of fundamentally changing it and as to dis-

courage any thoroughgoing effort at remaking the social and natural order, which also became infected with its rigidity.[1] The newer conception has also its biological given, but its given is plastic enough to raise hope that something may be done progressively to eliminate the undesirable elements of man's inheritance. Indeed "man's supreme inheritance," as Alexander[2] phrases it, is the possession of a guidance capable of transforming the biological as well as the physical and the social given. Its given serves as challenge to change rather than as a summon to resignation: the ideal of pious acceptance connected with the old view is supplanted by an energizing belief in the extended efficacy of human effort. For while at any given time the self is, to borrow Pro-

[1] The well-known fragment from Anaximander is the classic statement, in ethical form, of this fixedness applied to nature. "Things perish into those things out of which they have their birth, according to that which is ordained; for they give reparation to one another and pay the penalty of their injustice according to the disposition of time" (Bakewell, *Fragments*, p. 3).

The modern expression "to get even" harks back in connotation to a fixed order, to disturb the equilibrium of which was thought to forbode man's undoing.

[2] F. M. Alexander, *Man's Supreme Inheritance.*

fessor Tufts's phraseology,[1] "habit," it is also "adjusting activity." And, finally, this newer conception of the self furnishes a basis for such a functional interpretation of equality as makes it further rather than hinder the ongoing associative process. It is to this task that we now turn in a concluding chapter.

[1] *Philosophical Review*, XV, 361–79.

CHAPTER VI

THE FUNCTIONAL INTERPRETATION OF EQUALITY

THE preceding chapter eventuated in the conclusion that human individuals are different in both origin and nature from the traditional assumption regarding them. The net resultant of our discussion there was (1) that selves are organisms capable of self-direction; (2) that the mechanism of this self-direction is empirical and most likely connected with speech; and (3) that the technique of this guidance consists of ideas that, on occasion, arise out of specific situations and transform the organism from an impulse- or habit-guided into an end-guided individual. We are prepared, therefore, to make no further capitulation to the common tendency to separate the self from the organism than to admit that, since in common thought the organism is always taken for granted, the self *is* the ends which the organism sets up

for its guidance. "The soul," as Professor Woodbridge graphically puts it, "*is* the world as each man sees it."

I

It is, then, about this self-directing organism—to shorten our characterization—that our present problem centers. Are individuals thus constituted, equal? There seem three possible answers to this question. Carrying on our democratic tradition, we may unqualifiedly assert actual equality of these same individuals. Or, daunted by apparent facts, we may firmly deny them equality. Or, finally, in keeping with what is commonly believed to be the practice of philosophers, we may, having met a difficulty, make a distinction; that is, we may make equality a matter of more-or-less rather than of all-or-none. At any rate, it is obvious that the matter is of such moment for democracy as to warrant us in taking serious counsel with ourselves as to what our final answer shall be.

However much we are inclined to have done with our problem in keeping with democratic sentiment, we are deterred by two con-

siderations from giving as our answer the "everlasting yea." There are, first, the stubborn facts. Men do not at first glance seem to be equal in any assignable manner. And what is more perturbing to the democrat, they do not seem any more equal on the sober second thought than at first glance. Indeed, the longer one thinks it over, the more certain does it become that men are not just what the term equality suggests. And the more specific the analysis, the more obvious the discrepancy. These observed facts are strengthened, rather than weakened, by evolutionary theory. The process that has transformed the inherited hierarchy of discrete species into a modern continuum with functional divisions for convenience rather than metaphysical entelechies has as a clear implication gradations within each species. If the human species, for instance, be surveyed with intelligence as the *fundamentum divisionis*, do we not go up to persons of average intelligence from idiots, imbeciles, morons, and from average intelligence on up to genius? And any more detailed principle of division would yield a similar diversity of classes within the given

species. So clear does all this seem upon reflection that one might well say that while Americans may have upon occasion *felt* themselves to be equal, they have never *thought* themselves to be equal. And this contrast between feeling and reflection leads to the second consideration that makes us pause when we would answer the question affirmatively. It is the use to which the doctrine has at times been put. It is not likely that men would overlook such observable facts to assert such a non-verifiable conclusion were there not at work some ulterior motive. Feelings are capable of making a camouflage sufficient to hide the most unacceptable of practices. There is that in man, as Hobhouse observes, that "makes him cling to the semblance of right most of all when he is rejecting the reality."[1] Any concept, when crowned with the halo of some transfiguring emotion and endued with power from some *idolum tribus*, may cover with a pious, but poison, barrage whole areas of human activity. Man grows naturally shy of emotionalized concepts when he sees that under the spell of even the democratic con-

[1] *Morals in Evolution*, I, 64.

cept of equality the elemental liberties of men can be conjured away into a heaven-blessed slavery, as in the Old South. The South but furnished an outstanding example of this universal tendency in seeking a permanent apologetics for its inferior type of social organization built upon the principle of dominance. In other fields of life also, equality has been found capable of serving but to mark the spot where privileges indispensable for a decent life lay buried—a shining mausoleum towering above pulverizing bones. But such considerations as these have been sufficiently exploited in earlier chapters. Deterred, then, both by observable facts and by the questionable practices of many who have overlooked these facts, we find ourselves unable to give an unqualifiedly affirmative answer.

But we are also deterred from giving an unqualifiedly negative answer. The reasons here are more complex, and will by some be thought more equivocal. Since we will not affirm that men are equal, it would seem the part of frankness to affirm then that they are not equal. And we shall certainly wish to be frank with ourselves on this point,

for our answer to this question will determine both whether we are, and how far we are, sincere democrats. Let us set out, then, clearly the reasons why we cannot unequivocally deny the equality of men.

The first is that we are not willing to give up a shibboleth that has been as effective in action as has equality. Regardless of its factual accuracy, we know that emblazoned on democratic banners it has been one of those electric words that have challenged the indifferent, awakened the neutral, inflamed the zealous. "Mankind are more disposed," as our historic declaration of faith goes, "to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed." We are not willing to sacrifice this effective stimulus to a type of action the need for which is perennially recurrent in a world where lethargy finds a host in corpulent women and in sluggish men. Indeed, we have seen that from the Revolution down, the concept has really been used more to challenge action than to state a fact. This certainly is not the time to give it up, unless we have grown faint-hearted regarding our

American experiment in democracy. For only within our generation has the battle been anything like won for the machinery of democracy. Men have asserted equality to get the right to vote, to get the right to sue and be sued, to get the right to a free contract and to a fair education. If the assertion of equality has helped to win the machinery, it ought to be equally effective in getting some of the products of the machinery. The right to vote is not an end in itself, nor the right to sue and be sued, nor yet the right to contract freely nor to go to school. They were made ends of the battle for rights only because they were seen to be such indispensable means for fulness of life.[1] The use of them to this latter end has hardly begun. It is certainly no time to give up a weapon in battle when with the continued use of the weapon, but only with it, victory is actually in sight.

If we, however, are to be quite frank with ourselves, we must indeed know that this imminence of a fruitful use of the democratic machinery is precisely the reason for the

[1] The elaboration of this contention is the burden of my earlier book, *The Democratic Way of Life*.

weakening in some quarters of democratic sentiments. No one need be hesitant about his gifts so long as he is certain that they will neither impoverish him nor enrich his enemy. But the democratic machinery which as a weapon has come into the hands of Tom, Dick, and Harry is loaded with dynamite if it can be made to function democratically. Not only is this true as regards property interests where 2 per cent of our population owns some 60 per cent of our wealth,[1] but it holds of fields as sacred to sentiment as property is to calculation. Suppose the majority of Americans should become dissatisfied with the God whom orthodox churches have inherited and whose worship they perpetuate, and, being dissatisfied, should wish to invoke the state machinery to inhibit worship of him as now it is invoked to protect such worship. That would be a test of democratic philosophy indeed! The machinery of government has known such service; and there is in America, especially in organized labor, a developing philosophy as deeply anti-religious as the inherited philosophy is religious.

[1] King, *The Wealth and Income of the People of the United States*, pp. 80 ff.

Nor is the attitude of men of science toward the cherished religious values at all reassuring to orthodox Christian faith.[1] Or what if the majority should incline in time to recognize in law what is coming rapidly to exist in fact regarding another of the institutions sacred to our culture—the family? In America there is already one divorce to every six marriages, and a studied estimate recently put the annual number of extra-marital sex contacts in Chicago at 24,000,000—probably an approximation to the number there are intra-marital. Furthermore, America is rapidly becoming urbanized. Suppose the majority should eventually wish to substitute for the patriarchal family the so-called "companionate" as the marital norm. Does anyone suppose that the practices of the majority of citizens may not eventually attain institutional respectability, whatever those practices? These are delicate matters for the present generation; but democracy is a dangerous experiment in every generation to interests that look either to the few or to the past for their justification. But if the ac-

[1] See Lueba, *The Belief in God and Immortality*. This book indicates that reflectiveness and the belief of the title vary inversely.

tion to which equality as a shibboleth stimulates is ever justifiable—and historically we have officially declared it so—then there seems every logical reason for exploiting the equalitarian impetus, now that the testing time has come.

But there is also another reason for our unwillingness boldly to deny that men are equal. By making sweeping denials in a world that is seldom nicely dichotomous, one is likely to do truth more damage than service. It is so in this case. Consider the statement that every man has in him a soul. It is true that few, if any, modern students would wish to subscribe to that statement in the large; but if the only alternative were to deny it *in toto*, one might well choose to affirm rather than to deny. For, though we have shown in earlier chapters ample evidence for giving up the belief in "souls," nevertheless that statement carries meaning whose unqualified denial would be more a loss to truth than would its affirmation. "The fact is," as William James points out, "that one cannot afford to despise any of these great traditional objects of belief. Whether we realize it or not, there is always a great drift of rea-

sons, positive and negative, towing us in their direction."[1]

This is the reason that no constructive-minded person can be content merely to deny. An assertion of equality would have as much meaning and truth-value as would the assertion of the existence of souls to which originally the attribution of equality peculiarly applied. To deny equality outright would, then, be to do violence to the partial truth of the assertion. This point will bear some emphasis without becoming labored; for the contrast is between the method of destruction and the method of progress. The method of sweeping denial bears the marks of emotional reaction. Atheism in religion, for instance, is a parallel case. Many men, finding themselves in the presence of a belief in a deity whose moral character did not measure up to the level they set even for themselves, cut the Gordian knot by denying the existence of any god at all. This was typically the attitude of critical minds in the eighteenth century. But with the coming of a modern study of religion, an insight into the psychology of religious

[1] *Principles of Psychology*, I, 181.

experience, these men and their cause are left in an anomalous position.[1] For with knowledge of the genesis of gods, it is seen that every worshiped god has significance and power. To deny existence to what functions in human experience is no praiseworthy practice for a grown man. The important question has to do not with existence but with the nature and function of deities. The atheist is thus put in the position of denying the existence altogether of what clearly does in some important sense exist, but the questioning of whose value and significance ought to be, and more than likely was, the real aim of atheism.[2] Ethical and political concepts are not essentially different from religious

[1] The plight of the Universalists today, as described by some religious wag, illustrates well the point: "they have first to prove that there is a hell and then that nobody goes there."

[2] There remains little practical difference now between theists and atheists—be they both intelligent. The former will demand the right to define God; and, when he has finished, there is little left of the traditional content. The latter will assert his right to be positive as well as negative. The demotion by such theists as Professor E. S. Ames (*The Psychology of Religious Experience*) of God to a personified and objectified group ideal and the elevation by such atheists as Professor M. C. Otto (*Things and Ideals*) of humanity to ideal stature leaves little ground for choice between theism and atheism, save temperamental considerations.

concepts. The inadequacy and the fruitlessness, therefore, of sweeping negation constitute the second reason for our unwillingness to deny outright that men are equal.

This preliminary scouting ought already to have made quite clear the nature of our problem. Our difficulty—an old and ever-recurring one in any dynamic society—arises from the necessity of applying to one situation a concept that arose out of, and got its meaning from, another situation. Our only possible procedure so far has been to refuse either to affirm or to deny in the large; for progress comes neither through gullibility nor through iconoclasm, but through a willingness always to be reinterpreting the old so as to conserve its functional value for the new with which it must live. An undiscriminating affirmation of equality has appeared in our historical survey as prejudicial to genuine democracy as is an undiscriminating denial. To reinterpret is our only recourse if we are to save for the future this slogan that has been meaningful in the past. But to do this wisely we need to keep clearly in mind its history. Unquestionably the primary connotation of the term "equality" is quanti-

tative. There is a historical reason why this is so. Of the characteristics of the America that took equality as one of its watchwords, two appear particularly relevant just here. On the one side, the nature of the human individual was believed to be such as to make an assertion of quantitative equality truly descriptive. The derivation of "souls" from a transcendental mold gave a concrete basis for such an attitude. On the other side, individuals were so needed in the pioneer enterprise and so welcomed that the questioning attitude toward a feeling of equality would not normally arise: most men would not debate over precedence when their common problem is the fundamental one of survival. Moreover, loneliness itself is an adequate setting, if isolation be complete enough, to elevate even a dog to selfhood and to human comradeship. Furthermore, there was neither technique nor ability to measure men beyond the roughest approximation even had the questioning attitude toward the feeling of equality arisen. In both regards our present situation is quite changed.

On the one hand America is reaching the place where individuals are no longer an un-

questionably invaluable asset: we have more individuals in places than we know at times what to do with. Stacking ourselves upon one another in cities, as Jefferson feared, we have reached the place where our method of co-operation is itself oftentimes competition with one another rather than united co-operation against a common foe, such as the wilderness and Indians furnished in the early days in America. This change is clearly indicated by our newly acquired willingness to restrict immigration and by the evident determination of both the more educated and the more wealthy classes to restrict the size of their families through voluntary birth control. This metamorphosis that in a half-century has converted birth control from a sin against God into social respectability, and restriction of immigration from disloyalty to both country and mankind into a popularly approved federal statute, is a change that appears more revolutionary the more one reflects upon it. In such a society individuals are not so invaluable, to say the least, as any longer to inhibit invidious comparisons between them. Notions of social superiority inevitably arise from such a

situation. Along with this increase in population has gone the change in conception as to what constitutes an individual; and this, as we have seen, does not lend itself to a quantitative evaluation of men.

In introducing our third alternative, therefore, we shall be obliged to say that individuals are not equal in the old sense, primarily because they are not individuals in the old sense. Starting with this fundamental admission, we shall seek, as it were, "a moral equivalent" for equality. That is, we shall seek to find the functional meaning for the newer conception of individuality of what was originally claimed by the term "equality." Our problem now is initially one of methodology. Our procedure may be formal or concrete. Let us first notice the formal ways of reinterpreting the concept of equality.

Beginning with the most formal, it might be helpful to indicate explicitly a certain verbal ground for calling men equal. Human beings, as talking animals, awake to consciousness to find themselves in possession of words that apply indiscriminately to many objects and beings, because of course a com-

mon type of reaction has been found more or less adequate for the whole class. These class names perform more than one function. They serve man as a technique for unifying what otherwise would often prove baffling because of its multiplicity or complexity. In this way they are instruments of economy in man's mental life. Under the influence of the will-to-overlook differences man is thus enabled to treat differences for the time being as non-existent. But this treating differences as non-existent does not render them non-existent except to that mood and for that specific purpose. Nothing, however, is more common to the will-to-unify than the tendency to generalize the unity that is found to exist for a specific purpose and to make it descriptive of a reality that remains statically what it was found momentarily to be. And there is every degree of this tendency, from that manifested by the temporary sophist who camps on a general term to prove his point up to that manifested by the abiding mystic who sees nothing in this teeming world except the Eternal One. There is nothing magic about all this, however: one does not have to drink a shining

vial of "golden liquid," as did the Bishop in Wells's novel, in order to superinduce this mood. The need served by common class names is an everyday need. Confessedly, the world is one; but as confessedly it is also many. Confessedly men are alike; but as confessedly men are different. The very fact, however, that the common term "man" is applied to all creatures of a certain class does not settle the question of equality. "All the human beings on the planet," as Lewis Mumford observes, "are a unity only for the sake of talking about them."[1] Even granting that there must be something common before the common name will be applied, the question will still remain whether this common element is also equal in all specimens. If it is not, then men by the very virtue of possessing it are proved unequal rather than equal. Universals, unifying words in language, serve only to show that for specific purposes differences may be overlooked and a formal unification be secured out of motives of economy. The procedure turns on what Mr. Skudder Klyce would call a "verbal trick,"[2] useful enough in its place, no doubt, but of

[1] *The Story of Utopias*, p. 304. [2] *Universe*, p. 1.

no further significance for our present purpose.

A less formal, and more significant procedure, would be to treat equality as an ethical and political fiction, just as in law the treating of a corporation as a person is called a legal fiction. This is an indirect, but nevertheless constructive, way of getting at the positive meaning of equality. Indirect though it is, it appears at times the most intellectually economical way of reaching a goal of action that by common consent is good. At least it has been on the whole the way whereby law has settled down from precedent to precedent. The rationale for fictions in law consists in ignoring the whole body of facts which for the time being are not relevant in the interest of dealing more effectively with what is relevant. The duties and rights of a person have been laid out from time immemorial: a new form of doing business arises that must be regulated for the common good. If it can be treated as a person, then its rights and duties are already determined. Only the execution remains. If, then, the results of treating it as a person appear on the whole just, it is efficient to treat it as a

person, regardless of how much it may differ in other (for the time being irrelevant) respects from persons.

> Thus corporations are said to have nationality, are treated as alien enemies, are known as inhabitants and are granted diplomatic protection. . . . . The fiction is due merely to the fact that a corporation is granted by law rights and duties identical with those of a person.[1]

The term "fiction" then, denotes only that certain aspects of the case are consciously overlooked out of practical motivation. The end desired is clear; this is found to be an efficient means to it; but since it does certain violence to our knowledge as a whole, we confess that injustice by admitting it a fiction, but one practically justified.[2] By its fruits rather than by its roots we judge it. This is a helpful way to deal with the concept of equality. But since the justification for any fiction is always its results, we have already indicated the direction we are to

[1] R. Demos, "Legal Fictions," *International Journal of Ethics*, XXXIV, 44.

[2] The generalization of this attitude into a comprehensive philosophy is of course to be found in Vaihinger's *The Philosophy of the "As If."*

look for a more material treatment of the concept of equality.

The very reason indeed for desiring to treat equality as a fiction rather than as a falsehood consists in the fact that the concept is functionally useful without being statically true. It is useful because we are still in need of the type of action which the concept has historically motivated; it is not quite true because, for one reason, it describes a dynamic individual as though he were static. But *pari passu* with this undermining of the bases of equality has gone also the tendency to regard the whole emphasis upon structure and entity as unimportant. The question is not so much what an individual *is* as it is what he can *do*. And from that changed emphasis comes easily the next step—the individual is what he functions as. That is, the "essential" characteristic of man has changed from essence to function. This has meant, looked at in the large, a shifted orientation in time. Since function cannot be disconnected from consequences and the latter lie in the future, what one *is* can better be determined by what he is *becoming* than by what he has *been*.

This change in the philosophy of the individual indicates two important implications for our present problem. Instead of looking backward with the historic inquiry, "Were men created equal or were they equal in a state of nature?" we are to look forward. And instead of inquiring whether men as static entities ought to be made equal in the future, we inquire whether men, as dynamic centers of activity, ought to be treated equally. That is, we are now prepared to keep on facing the future where the men of the nineteenth century were forced back upon the present and the past. Let us in a word recapitulate the point made in chapter iv. Following the conflict situations of the war of the Revolution and the slavery agitation in both of which factual equality was asserted universally, America changed the assertion from one of fact (with backward reference) to one of rights or of ideals (with future reference); and *pari passu* the sweeping assertion of general equality was analyzed into more specific aspects in which equality ought to be realized. But face to face with the ancient tradition so well expressed by Aristotle, and not openly dis-

countenanced by Christianity, that it is unjust to treat unequals equally, America had no answer to the questions, "Why ought men to have equal suffrage?" "Why equality before the law?" "Why equality of opportunity?" except to fall back upon the past and say that men ought to be treated equally because they are equal, having been created or born so. It is obvious that what threw them back upon the past was the view that human nature is at bottom a static entity imported from a transcendental preexistence. It is equally obvious that the reason we are now prepared to raise again the question of equal treatment without embarrassment is that human individuals are now regarded as forward-performing functions rather than as static entities. The newer attitude of philosophy toward time—an emphasis in the foregoing chapter that may have struck the reader as barrenly metaphysical—is now seen to be of practical significance.

The truth of any assertion regarding dynamic individuals depends partly upon the results of the assertion itself. The claim that individuals are equal is true if it functions

truly; and this will be determined by the efficiency with which the claim promotes the major good of the situation that motivates the claim. This looking to the fruits of the claim for its truth-value is here called "functional equality." From one point of view, this is merely a new name for an old way of thinking. Whatever newness there is grows out of the fact that an old concept when applied to a new person in a new world must share somewhat in the process it describes. There are those who do not feel that the word "new" has been wronged when it is applied to the world since Darwin's *Origin of Species* and to man since his *Descent of Man*. Functional equality is the meaning that remains for the old concept when it is used to describe this functional individual moving in a constantly changing world. We have already seen some reasons, and shall yet see more, for believing that even in early America those who used the term "equality" had vaguely glimpsed the fact that its truth-value lay ahead, in the consequences of their asserting it.

All this means, of course, that were we inclined to answer outright that men are

actually unequal; we should still not be estopped, as were our predecessors, from considering on its merits the further question whether men ought not still to be treated as if equal. But rather than deny that men are equal, it has seemed historically fairer to say that the term has lost its original significance through the changing conception of the human individual to which the term is applied. It was quantitative before, because applied to a static object; but now that the object has become dynamic, the question as to equality of these activities is in a certain sense irrelevant. This consideration was meant to receive justice in the earlier characterization of equality as a philosophic fiction, corresponding in jurisprudence to legal fictions. But of course the term fiction so used has not a destructive, but a constructive, connotation. Finding certain genuine values that can be most economically preserved through this sort of indirection, the end is held to justify the means. The term "equality" has historically under certain describable conditions served as an adequate stimulus to needed action. If equality of treatment produces consequences of maxi-

mum desirability, then the treatment is justified, regardless of whether men are equal in the old sense or not. If the traditional virtue called "justice" disagrees, as Aristotle thought, so much the worse for the traditional concept of justice. When justice is at outs with goodness, then justice also must be reinterpreted, or we must seek a higher virtue than justice.

If equality, functionally interpreted, is at the heart of democracy, then democracy is at stake in our answer to the test question "Should men be treated equally?" Here we challenge the interests and emotions of men, even more than their intelligence. And even if the argument is to end in incompatible tastes so fundamental as to defy further analysis, there are many considerations that a democrat may urge in favor of an affirmative answer, before the ultimate *impasse* is reached. During the remainder of this chapter we shall seek to set these considerations out. Not only to his opponent, however, does the democrat put the challenge in raising this question; but all the while (since here one's foes may be within his own household) he is probing the extent of his own

democratic loyalty as he indicates the relationships in which, and the measure to which, equality of treatment should be applied. This may but serve as a seasonable reminder that to be a democrat even in America does not necessarily mean to be democratic through and through.

II

The chief consequences that may be urged as justifying equality of treatment are fairly comprehended under the term "co-operation." It will hardly be thought to demand argument that men work together better when they regard themselves as substantially equal. Indeed in so far as inequality is confessed and paraded, co-operative activity is certainly inhibited. Activity may go on: one working for another, or another directing the one. But neither true co-operation nor maximum efficiency nor happy contentment[1] exists. The advantages, therefore, of co-operation constitute so far forth justifi-

[1] Mr. Arthur Moore in a thoughtful article entitled "Bolshevism from an Eastern Angle" (*Atlantic Monthly*, May, 1923, pp. 690 ff.) sets out this deep desire for social equality as being the very heart of the unrest in the East that has followed the World War. The source of the unhappiness of subject races everywhere is, he thinks, "the insults to human dignity that vain pride and social superiority inflict."

cation for the functional philosophy that holds that men ought to be treated equally. Let us, then, evaluate co-operation to see whether men ought to be treated as if they were equal.

To live and then to live well—first to guarantee life and then to promote the good life—these have ever been the tasks of man, and this their order. Neither task has been possible apart from co-operation. The world was not made for man, as Kallen remarks, but in it he happened and grew. Against this "reluctant cosmos," as Perry conceives it, only man's united efforts have prevailed. As Bagehot so well puts the whole matter,

> The progress of *man* requires the cooperation of *men* for its development. That which any one man or any one family could invent for themselves is obviously exceedingly limited. And even if this were not true, isolated progress could never be traced. The rudest sort of cooperative society, the lowest tribe and the feeblest government, is so much stronger than isolated man, that isolated man (if he ever existed in any shape which could be called man) might very easily have ceased to exist. The first principle . . . . is that man can only make progress in "cooperative groups."[1]

[1] *Physics and Politics*, p. 213.

And even with the utmost measure of co-operation attained, in the sweat of his brow has man eaten his bread. Malthus thought that man, voyaging forever between the Scylla of a geometrically increasing population and the Charybdis of an arithmetically increasing food production, must forever be broken upon the shallows of misery. The fear of such an irremediable fate, with basis real enough in Malthus' day, has been gradually lifting since his day, but lifting because of a growing co-operation. For man's learning to apply to the problem of population an intelligent control born of scientific co-operation and to the problem of food supply an ever enlarging industrial co-operation has provided whatever brighter tints the picture has today. "Civilization," as Daniel Webster remarked, "begins and ends with the plow." The great urban centers of the world have only a few weeks' margin between them and starvation, and hardly more than two harvests shield the whole human race from extinction. The increasing production since the Industrial Revolution, thinks

Woods,[1] has been more due to an enlarged human association than to the introduction and improvement of machinery. Man's greatest ally against nature has been other men. But for the priceless boon of an associative heart, furnished in Plato's myth[2] by the pitying gods, man could not now survive, could never have survived. Such a picture of nature as Bertrand Russell has drawn in his *The Free Man's Worship*[3], whether true or not, is of abiding influence, on the negative side, in keeping before modern men the oldest and the sternest sanction of a working equality; for, as Blackstone observed, "it is the sense of their weakness and imperfection that keeps mankind together."[4] This, then, constitutes the extrinsic value of co-operation, its efficiency as an instrument for sufficiently exploiting nature as to make human life possible at all.

But to this negative sanction for co-operation, there is added, as inherent in our

[1] *Garman Commemorative Studies in Philosophy and Psychology*, chap. iii.

[2] *Protagoras*, 322. [3] *Mysticism and Logic*, p. 46 ff.

[4] *Commentaries*, Introduction, p. 32.

social derivation of the self, a positive value, the one most dear to the solicitous gods.[1] The brutes could live. It was reserved for man alone to find and enjoy the good life. But he must build upon the foundation provided: that co-operative spirit that enabled him to live at all would also, if sufficiently extended, beget the good life. Co-operation is intrinsically good. Where two or three are gathered together in harmony, a new value-presence arises: "All," as Emerson remarked, "become wiser than they were." It was the deep-lying recognition of this elemental truth by Whitman that has made him the poetic spokesman abroad for American democracy.[2] The all-importance of this natural relation between men not only gained intellectual recognition but provided the foundation for Whitman's temperament as well. With prophetic insight he postulated human friendliness as "The Base of All Metaphysics" and answered his critics with "the dear love of comrades."

[1] *Protagoras*, 322.

[2] "Of Equality—as if it harm'd me, giving others the same chances and rights as myself—as if it were not indispensable to my own rights that others possess the same."

I hear it was charged against me that I sought to destroy institutions.
But really I am neither for nor against institutions,
(What indeed have I in common with them? or what with the destruction of them?)
Only I will establish in the Mannahatta and in every city of these States inland and seaboard,
And in the fields and woods, and above every keel little or large that dents the water,
Without edifices or rules or trustees or any argument,
The institution of the dear love of comrades.

Born into a group, nurtured by it until there arises within him a microcosmic "socius," the express image of the enveloping social macrocosm, man is pre-committed to the co-operative life. To flee from it is not to escape: it is the wings wherewith he flies. Ineradicably social at his worst, man at his best finds in association with his fellows both meat and drink, stimulation to growth and opportunity for relaxation. George Eliot was plumbing this truth when she declared, "We can have the highest happiness—such as goes along with being a great man—only by having wise thoughts and much feeling for the rest of the world." "Walk from the people," as the French proverb goes, "and

you walk into night." To taste the water from this fountain of meaningful community is but to yearn to drink, and to drink is to find the life more abundant.[1]

The profound significance of this co-operative life Royce has caught and presented in his emphasis upon loyalty. Indeed he feels himself able to summarize the whole of ethics in the counsel, "Be loyal to loyalty."[2] To lose one's self even in a bad cause is a virtue, and to sink one's self in service of a universal community is the *summum bonum* of ethics and the heart of religion as well. "How prudently," as Wendell Phillips observed, "most men sink into a nameless grave, while now and then a few forget themselves into immortality." No one in our literature has more beautifully indicated the ideal dimension of the co-operative relationship than has George Eliot in the poem entitled "The Choir Invisible."

[1] The early Greeks, as Zimmern declares, "went down to levels that reason had not yet plumbed and embodied the elemental unselfishness—the sense of one human being's natural relation to another—which was the germ of Greek citizenship as of all good citizenship since . . . . . There is no true fraternity which does not grow, as it grew in Greece, out of the plain primaeval emotions of friendship or family" (*Greek Commonwealth*, p. 70).

[2] *The Philosophy of Loyalty*.

The utter centrality of oneness with his group is nowhere more eloquently proclaimed by the average man than in his longing, backward glances at infancy. The reason for the constant inclining of the human heart back to childhood is not far to seek. The human individual, created initially by a group act, is dependent upon the group through an ever lengthening infancy for all that he has, is, or is to become. The harsher physical environment that would bring him death in a day is so mediated to him by social influences as to turn what otherwise were an inevitable doom into a heaven of love fairer than the most enchanted fantasy. And even the inhumanities that man shows man are themselves left also with the harsher sandals of physical facts at the threshold of the human nursery. As the infant sees no gruff lineament of Nature's face that can possibly be concealed from him, so also he discovers only the smiling, caressing moods of the Janus-faced human world. His food is warmed and sweetened if not predigested for him; his clothing is softened; and his random movements are constituted, a repertoire on a royal stage where every gesture is

enthusiastically encored. In his world, fire is hot but never burns; winter is cold but never freezes; want is pinching but seldom pinches. His facts are tamed down with fancy, and his beliefs are toned up to story form. In short, as organically related to the group he is bone of its bone and flesh of its flesh; so, culturally related to it, he is warp of its good fortune and woof of its success. Born thus into a mediating, comforting group and sustained by it through helpless years, man would not be the animal he is if, when later confronted by that sterner side of his human world and disillusioned by the gruff demands of his physical environment that his food be paid for with sweat and fatigue and his meager comforts be bought with troublesome foresight, he did not turn back in pained surprise upon his early fairy godmother for confirmation of his rosy expectations. The heaven that lies about us in our infancy is the one great influence throughout human life. Dimly remembered and utterly unrecognized images from this forgotten land we project to form our later social utopias. For its reinstatement we unknowingly strive in our quest for romantic love.

And in our religious devotion we flee reality crudely to reconstruct in a timeless, painless, sexless, dreamless clime what we realized in all its mystic fulness ere shades of the prison house began to close upon us. For a reinstatement of this satisfying oneness of man with men humanity's seers and mystics have always yearned.

But the Greek poets, Hebrew prophets, and modern dreamers have not been alone in highly evaluating man's life with man. Foreign dangers that kings once created in order to attain unity at home, modern democracies can almost find heart at times to welcome. So intrinsically good is group solidarity that it appears at times to compensate for any price. Dewey says,

> No wonder that at times catastrophes that effect men in common are welcomed. For the moment they turn science away from its abstract technicalities into a servant of some human aspiration; the hard, chilly calculations of intellect are swept away by floods of sympathy and common loyalties.[1]

Through dominance to competition, through competition to enlarged co-operation, the spirit of man has gradually been pushing its

[1] *Human Nature and Conduct*, p. 258.

way in all the three greatest human interests—religion, government, industry.[1] In industry the slowest progress has been made. And yet even there improved forms of association, supplemented by mechanical inventions, have during the last hundred years made possible for even the common laborer in most fields a margin of leisure that only feudal lords once enjoyed, a priceless boon that Aristotle supposed could never be available to more than a small minority and to them only through the serfdom of all the rest.[2] "The profound truth is that the prime source of modern industrial progress is in human association."[3] While much has been gained, more remains to be done. The unmeasured tracts of industry that still are unconquered for the principle of co-operation furnish perhaps the chief, though not the only, contemporary justification for any attempt to find a solid basis for human equality.

[1] The story of this achievement in living is charmingly told in brief compass by Professor Tufts in his *Ethics of Cooperation*.

[2] Edwin E. Slosson estimates that each of us has in terms of power equivalent "on the average twenty able-bodied slaves waiting on us, day and night" (*World's Work*, XLV, 41).

[3] Woods, *op. cit.*, p. 76.

III

The validity of rendering thus in terms of co-operative practice equality of treatment is justified not only in our day but may be shown to get historic significance by an analysis of certain past situations in which equality, however conceived, has become prominent. It seems fairly certain that co-operation has traditionally been more closely related to the claim of equality than we have recognized. In general, it is the conflict-situation, as we have seen, out of which the notion of equality most certainly arises. War has proverbially stimulated group solidarity—groups that did not so react carried with them into oblivion the tale of their disunion. While co-operation implies shared ideas, a common danger from which to flee is more compelling than a common good to be achieved. In the latter, co-operation becomes the price of a good life; in the former, of any life at all. Just as men avail themselves of the fiction of present equality for the sake of the co-operation thus insured, so historically they claimed actual equality in order to account for co-operation already achieved. Co-operation was the direct an-

swer to certain concrete situations, and was prior; the conception of equality was the explanation and was subsequent. Rationalizations are likely, through analogies, to seek far-away bases, ultimate causes, as in the case of the ready-made and God-given soul. A bright star noticed simultaneously with the birth of a child becomes subsequently the symbol of his virtue and the cause of his achievements. As regards the similar claim of extended kinship among the early Greeks, Professor Tufts, with keen insight, has emphasized this tendency:

> It is indeed very probable that the unity of blood which is believed to be the tie binding together the members of the group, is often an afterthought or pious fiction designed to account for the unity which was really due originally to the stress of common struggle.[1]

This correlation of the claim of equality with the benefits of co-operation gratefully remembered from the past, or existing in the present, or foreseen to be desirable, constitutes the real significance of Ritchie's declaration that equality is an "outgrowth of aristocratic and slave-holding communities."[2]

[1] Dewey and Tufts, *Ethics*, p. 45.

[2] Ritchie, *Natural Rights*, p. 248.

Men born into a social order not of their own fixing, have found themselves co-operating rather fully with some, fighting with others (which also involves a certain elemental form of co-operation, as is shown by the evolution of rules of war), and sometimes scorning others (being too proud to fight marks the climax of the anti-co-operative spirit). For the various degrees of co-operation, there have always arisen corresponding gradations in equalitarian claims. Due partly to diverse languages, early groups, for example, did not co-operate enough to share a common god.[1] And so their gods were always at war with each other, as were the people. But when the people found a way of working together, the gods tended to fuse into one. But if the relation between the groups was not one of perfect co-operation, there would be, long after the deity was shared, a "favored-nation" clause tacitly understood to regulate the sharing. But through many factors, more often than not quite outside human control, men were thrown together, were forced through the compulsion of common danger and common work to co-operate

[1] *Ibid.*, p. 254.

in increasing measure. *Pari passu* with the process, the concept of equality grew apace. But equality was flexible even as co-operation was of varied degrees. After the time that all men are granted equal, some are only equal enough to fight together, others to work together in peace time, others to eat together, others to intermarry, and others, though much later, get equal enough to join the same artistic or philosophic club.[1] Every new claim of equality bespeaks some prior advance of the co-operative spirit. Even such a non-committal generality as equality before God—a claim, be it ever remembered, compatible with slavery, even in nineteenth-century America—marked some measure of co-operation; for it reflected a social organization in which men, though slave and master, did have contact and did work for some general common ends. The strength of this tendency to rationalize co-operation under the term "equality" is seen in the fact that even lower animals—whose inferiority is so

[1] It was not until the Neolithic age, in Kipling's allegory, when men learned that—

> "There are nine and sixty ways of constructing
> tribal lays.
> And-every-single-one-of-them-is-right."

great, according to Ritchie,[1] as to constitute the most fundamental abiding contrast that makes for a consciousness of equality among men—may attain a certain equality with man.

Animals that serve or attend man in such close and constant ways as to seem to share man's ends tend just so far to be admitted into the family of equals. With psychological insight as well as dramatic warrant, the unknown author of *Gammer Gurton's Needle* represents the cat as a full-fledged member of that simple, indigent family. And all orders of the "patient brutes" that plod helpfully by the side of man have come so far on the road to equality as to be proposed as candidates for immortality by no less a personage than William James.[2]

In fact, whatever conditions—whether of common tribal membership, or common danger to be met, or common good to be achieved—have made for co-operation, have found their final conceptual and emotional expression in claims of human equality. Under the stress of a common danger, the Revolutionary fathers were fired to great enthusiasm

[1] *Op. cit.*, p. 246. [2] *Human Immortality*, p. 35.

by the assertion of equality in the Declaration of Independence. The precise meaning they attached to the assertion, if any, is relatively unimportant; it was the common tasks of a new world supplemented by a common menace from the old that made potent as dynamite a conception that had lain harmlessly dormant in the minds of Englishmen from the time of Locke. Like knows like: co-operation recognized its expression. In similar manner the common hardships and tasks and dangers of frontier life—ideas made common by unrelenting nature—have found expression in equalitarian terms in the successive democratic East-bound waves that have made the West a constantly perturbing factor in American life.[1] It is certain that the belief in equality which, by common consent, has everywhere been strong among American pioneers did not spring out of the blue, but out of the innumerable voluntary associations that so impressed De Tocqueville. He was not quite certain that, as he phrased it, there is a "necessary connection between the principle of association and that of equality," but he was greatly impressed,

[1] Godkin, *Problems of Modern Democracy*, p. 26.

not to say perturbed, by the surprising number of voluntary associations which he observed in the New World.

> Americans of all ages, all conditions, and all dispositions, constantly form associations. The Americans make associations to give entertainments, to found seminaries, to build inns to construct churches, to diffuse books, to send missionaries to the antipodes; they found in this manner hospitals, prisons, and schools. The Americans form associations for the smallest undertakings. They seem to regard it as the only means they have of acting.[1]

De Tocqueville's observation in the early nineteenth century is paralleled by Santayana's observation in the twentieth century:

> There is one gift or habit, native to England, that has not only been preserved in America unchanged, but has found there a more favourable atmosphere in which to manifest its true nature—I mean the spirit of free cooperation . . . . this slow cooperation of free men, this liberty in democracy—the only sort that America possesses or believes in. . . . . The omnipresence in America of this spirit of cooperation, responsibility, and growth is very remarkable.[2]

[1] *Democracy in America*, II, 129–30; cf. Turner, *The Frontier in American History*, p. 343.

[2] George Santayana, *Character and Opinion in the United States*, pp. 194 ff.

And as Santayana goes on to observe,

> Where individuality is so free, cooperation, when it is justified, can be all the more quick and hearty. Everywhere cooperation is taken for granted, as something that no one would be so mean or short-sighted to refuse. . . . . The general instinct is to run and help, to assume direction, to pull through somehow by mutual adaptation, and by seizing on the easiest practical measures and working compromises.

The great avalanche of equalitarian sentiment that was thrust against slavery by the abolitionists followed upon such vivid pictures of racial co-operation in the humdrum of daily duties and domestic life as are ideally set out in *Uncle Tom's Cabin*. If men, women, and children could work together as in the pictures drawn, then were they indeed equal for all practical purposes. Moreover, the moral resultant of this book, and of similar propaganda, upon the reader was an irresistible sympathy, which, true to its derivation, is itself a form of co-operation. It is instructive to note that it has always been chiefly in the North where the belief in significant racial equality has flourished. The two races have not yet, as a matter of

simple fact, learned in any large measure to co-operate. The actual observation of daily non-co-operative relations in everything from the tone of voice used in daily greeting on up to the law court itself, makes it difficult for a southerner to assert equality except in otherworldly terms, because constant contact with concrete inequalities continuously repeated has produced a kind of paralysis of the imagination. But those not instructed by constant clashes find it easier to assert thoroughgoing equality because they find it easy to imagine actual co-operation. To say that the races ought to be equal, in whatsoever way, is but to assert that in that way co-operation would be advantageous.

The history of organized labor in America is also instructive as showing assertions of equality to arise out of co-operative activity. Close association made imperative, willy-nilly, through the factory system, came as a result of the Industrial Revolution with its large-scale machine production. This involuntary association took the voluntary form of labor unions early in the nineteenth century, i. e., as soon as a common enemy emerged in the form of the capitalist or, sometimes

more impersonally, "the system." These associations were motivated both by a common danger and a common good. The enforced cooperation of workers among themselves made them equal with each other and made it easy for them to imagine an extension of the cooperation that would include the employer along with them. The claim of equality among themselves has grown increasingly emphatic with increasing pressure; and with external danger sufficiently imminent and serious, equality has been applied in an almost unrestricted manner. The fact that the unions had in their inception to reckon as their enemies not only the employers but the whole legal and judicial machinery has helped long after the event to give their solidarity a martial flavor.[1] It is to be noted, however, that their claim of equality does not for the most part outrun their membership, that within the group it tends to rise and wane in keeping with the degree of external danger, and that discipline is very difficult to enforce in peaceful and prosperous times. Equality produced by any such conflict-situation clearly indicates its relation to the enforced co-op-

[1] Groat, *Organized Labor in America*, pp. 38 ff.

eration; for as soon as the common danger relaxes, they both tend to pass together.

The most searching test, as Meredith suggests,[1] as to whether groups regard themselves significantly equal is intermarriage. If there is sufficient elemental dumb compatibility as not to make sex relations appear offensive, it indicates that concrete co-operation has progressed far enough to warrant an admission of equality. The farther groups are from unrestricted intermarriage, the more likely it is that the assertion of equality, if made at all, functions really as an instrument of exploitation for the more astute, of compensation for the weaker. While this is the significance of marriage, as regards co-operation between the groups concerned, it does not necessarily hold between the parties to the marriage. It is significant that equality has not traditionally been asserted as between husband and wife. While before the common law they were one, he was the one: a relation of dominance rather than of any fuller measure of co-operation. The hard and fast differentiation of function, the practically exclusive distribution of labor, has tended

[1] H. O. Meredith, *International Journal of Ethics*, XV, 33 ff.

strongly to make real co-operation between the sexes, even in marriage, impossible, because it has inhibited a sharing of ends.[1]

Only in regard to sex and parental relations did there grow up in the past sufficient co-operation through common purposes to justify the label of equality, and not always there. Of course, on the other hand, a frank male dominance has not been often avowed. The physical and economic inequality of woman took rather the compensatory form of attributing moral superiority to her, and of crowning her too often passive, or even unwilling, sexual acquiescence with the "glory of motherhood." It is only in very recent times, when opportunities have arisen for the sexes to get the same training and to do

[1] "Married lovers do not work together. They may, if they have time, rest together; they may, if they can, play together; but they do not make beds and sweep and cook together. They are economically on entirely different social planes, and these constitute a bar to any higher, truer union than such as we see about us. Marriage is not perfect unless it is between class equals. There is no equality in class between those who do their share in the world's work in the largest, newest, highest ways and those who do theirs in the smallest, oldest, lowest ways." (Charlotte Perkins Stetson [Gilman], *Women and Economics* [3d ed.], pp. 219–20.) This book remains not only one of the great classics on woman's rights but a rich mine of insight on social relations in general.

the same work, that concrete sharing of purposes, genuine forms of co-operation, have arisen.[1] And, concomitantly, less is heard about either the legal superiority of the husband or the moral superiority of the wife. With the increase in co-operation, there is an increased tendency, as well there may be, to talk in terms of plain equality between them.

IV

It has been suggested more than once in this study how the large, abstract claim of equality—whether put in religious or natural or political terms—has served to inhibit real, concrete equalities. The claim of equality has not always, however, militated thus against actual co-operation. It has done so only when it claimed far more than the then progress of co-operative enterprises warranted. When this was done, some sort of vicarious adjustment was necessary to cover the deficiency, and it usually took some compensatory form. Where there has not been this ex-

[1] "The reason why friendship means more to men than to women, and why they associate so much more easily and freely, is that . . . . they *work together*. . . . . Men meet one another freely in their work, while women work alone." (Charlotte Perkins Stetson [Gilman], *op. cit.*, pp. 306–7.)

cessive slack (to be taken up by emotional effusiveness) between the claim of equality and the actuality of co-operation, the claim has seemed to have some worth as an instrument for furthering genuine equality. Without, then, in general denying to concepts a certain efficacy in furthering the concrete activities which they statically connote, it must be said, however, that, as a matter of simple fact, co-operation is best begotten by co-operation. Men have learned to share large purposes by sharing small purposes, to work together for great achievements by working together on commonplace tasks, to co-operate later in life by growing together in youth.[1] Where this humble method has

[1] It is this latter fact that has made kinship groups the most unfailingly productive of equality. Children of the same family are in a very large measure equal, not because born of the same parents, but because their selves have been produced from the same social process, because they are thus guided by common ends. It is to this fact likewise that common schools in America have owed, and do owe, their democratic tendencies. So long as the children of different classes that themselves are unequal are thrown together much of the time in tender years, they find themselves co-operating in study, in play, in rebellion against a common discipline. In short, they unconsciously grow to be equal, through the medium of co-operative activity. With the passing of genuine *common* schools in America, there passes one force that always struck a blow of equality at the most strategic time of life.

not brick by brick raised the splendid temple of equality—as it has not yet, for example, between the negroes and the whites in America—no persistence of equalitarian asseveration, no warmth of enthusiasm in calling out of magic sesames, has conjured up its walls. For the democracy of man, as well as for the Kingdom of Heaven, a little simple doing of co-operative tasks is more fruitful than any resort to holy names.

V

If, as we have argued, co-operative activity, when actual, has historically categorized itself under the concept "equality"; and if, as we have further argued, equality, when seen prospectively to be desirable, has justified, and does justify, itself by the extrinsic and intrinsic values of co-operation—then the validity and the limits of human co-operation mark the values and the boundaries of a philosophy of equality. Sooner or later, then, the democrat must raise the questions, "How far is co-operation possible within the human species?" and "How far is it desirable?" Only the dogmatic can answer the first question decisively. But the timid may

gather hope from previous advances made by the co-operative impetus. Successive generations since when the memory of man runneth not to the contrary have been overriding boundaries that preceding generations had deemed to be fixed in the very order of nature. Every form of human association has felt the transforming power of this advance —the family, the church, the state; art, science, sport, war. Property barriers, racial barriers, cultural barriers, religious barriers, sex barriers, have all before this intrepid advancer here and there, now and then, made themselves thin air into which they vanished. The optimistic will almost certainly see nothing in the history of the race to justify the belief that the end of this process is yet in sight. Moreover, with the passing of fixed selves and fixed species and a fixed order of nature, the belief grows that education has even more transforming power than the most enthusiastic claims of the past have made for it. Not enough of the biologically determined has yet been discovered and vouched for in human nature to daunt the growing faith that institutions may make of plastic organisms almost, if not quite, what they

will. And the faith in control grows into deeper conviction when the psychological personality is in debate. For if "the self" is, as we have argued, a social construct (by means of the vocal gesture, itself a social mechanism), then the spiritual determinism of human nature through social foresight has no limits yet in view. And since co-operation for man, the intelligent animal is primarily a matter of sharing of ends, i.e., a mutual foresight of common consequences, there is good scientific reason for believing that the limits of co-operation have not yet been glimpsed. This is a human faith that no disillusion seems able to dim. Schisms in spiritual bodies lead to two churches rather than to none. The road from the divorce court leads by the office where marriage licenses are issued. And out of the débris of a universal holocaust there rises as on the wings of magic morning the dream of a League of Nations that will spell the end of war, even as out of its dead ashes rose the phoenix to a new life, perennially renewed. Out of the defeat of this dream rise disarmament conferences and projected associations of nations which, though they too wither before the bud turns to fruit, are

followed by other plans clothed out of the habiliments of human hopes, and they in turn by others—on to the end of the unending process. If a man cannot live with other men, he certainly cannot live without them; and the extent to which this dilemma of man, the unsocial social animal, can be resolved is as yet not fully disclosed.

But the enormous possibilities of its progressive resolution gives point to our second question. We may summarize our discussion thus far by stating this question in three ways. The first is, "How far is co-operation desirable?" Then to put it in terms of equality, the ideal, rather than in terms of co-operative activity, the justifying function, "How far is it desirable to make men equal?" Or, to put it more concretely still, "To what extent is it desirable to give men equal opportunities and equal portions of goods?" Not even the democrat can answer this question dogmatically. Only the person who knows exactly what sort of society he would prefer and who is wise enough to know what ends will be produced by any given social means can speak with authority here. Wiseacres may rush in where wisdom fears to tread.

But certainly most modern students of the social sciences know too much to claim to know that much. The solvent word, if ever to be spoken, must wait upon more knowledge both of desirable social ends and effective social means. And in proportion as we are reluctant or unwilling to resort to judicious social experimentation, to profit by the wisdom that observed trial and error can sometimes give, to that extent we postpone amelioration by perpetuating our ignorance. To refuse to avail one's self of the only means of enlightenment presented, is to remain ignorant for good. And if a people not only refuse themselves to go in, but also hinder those who are going in, to the crucible of social experimentation, then provincial darkness is willing to bring on a universal eclipse.

The first point, therefore, that trepidation may make with regard to the degree of equality that is desirable is that, since no one knows for certain what that degree is and since the only way we have of finding out is by experimentation, bold experimentation both at home and abroad ought to be encouraged by democrats. Those who do not know, to take a current example, how far in-

dustrial equality can with profit be carried, and yet who wish to know, cannot possibly regard with other feeling than regret the unwillingness of at least democratic nations to facilitate the experiment that some, if not a majority, of the Russian people have chosen to make. If is of course the same faith that men may find out by experimentation what is unavailable through any other means that has made Justice Oliver Wendell Holmes for a half-century the cynosure of democratic hopes and the judicial philosopher of a new order in America. It is against the traditional view that he has protested, a view well set out by Chief Justice Taft in a recent decision,[1] in which he declared that "The Constitution was intended, its very purpose was, to prevent experimentation with the fundamental rights of the individual." Justice Holmes' protest has sometimes been pointed and polemic, as when in a dissenting opinion in the case just cited he puts his own faith over against that of his presiding colleague. "There is nothing that I deprecate more than the use of the 14th amendment beyond the absolute compulsion of its words to pre-

[1] *Truax* vs. *Corrigan.*

vent the making of social experiments that an important part of the community desires." But at other times he clothes his dissent in the more general terms of the philosopher.

> When men have realized that time has upset many fighting faiths, they may come to believe even more than they believe in the foundations of their own conduct that the ultimate good desired is better reached by free trade in ideas—that the best test of truth is the power of thought to get itself accepted in the competition of the market, and that truth is the only ground upon which their wishes safely can be carried out. That at any rate is the theory of our Constitution. It is an experiment, as all life is an experiment. Every year if not every day we have to wager our salvation upon some prophecy based upon imperfect knowledge. While that experiment is part of our system I think we should be eternally vigilant against attempts to check the expression of opinion that we loathe and believe fraught with death, unless they so imminently threaten immediate interference with the lawful and pressing purposes of the law that an immediate check is required to save the country.[1]

But there are two constructive suggestions that a democratic faith may make without feeling that it is too far outrunning

[1] *Abrams* vs. *U.S.*, 250 U.S. 616.

our available knowledge of what is socially desirable and what are effective means to it. The first of these suggestions has to do with a psychological matter that may seem abstruse at first, but which will appear of the most fundamental importance when understood. It has to do with man's so-called "conscious life," with the ends for which he works and fights. Without parading again the process by which man becomes possessed of a conscious self, it is enough here to emphasize that most of human activity is at times teleological. Men work and fight and live *for* something. If they do not, then something is wrong, for men under favorable circumstances serve ends.[1] Now the irreducible minimum of equality that a philosophy can demand and still call itself "democratic" is the sharing by all men up to the level of their ability of the ends for which they must work and fight. Nor must their ability be considered to be justly represented by what it is at any given time, by the *status quo*, but rather

[1] The best available statement of this human differentia is found in Professor G. W. Cunningham's *The Philosophy of Bergson* (chap. vi). It hardly need be added, however, that I do not subscribe to all the metaphysical implications there drawn from this characterization.

by what it may become under favorable opportunities. That is, as a fundamental prerequisite of justice the chance at education must be passed around. Fairness in passing it around will probably be best guaranteed by demanding that the chance be made quantitatively equal, for the simple reason that any prejudgment before actual trial that persons cannot profit equally from the same opportunity lends itself too obviously to prejudice and to unfairness. Nor is this insistence upon sharing ends an abstraction without practical bearing.

A reorganization that might not stop short of the radical would attend the effort sincerely to apply this principle in industry. The ends of organized industry, to the furthering of which the majority of adults must in a capitalistic era devote most of their waking hours, are formed by a few captains of industry, appreciated by a few more, understood by a few more, but are either unknown or are dimly enough known to be rebelled against by perhaps the great majority of the world's workers. This means that the supreme misfortune that can come to a man in his work—the tragedy of being obliged to

work at that which is not intrinsically interesting—comes to a majority of industrial workers today; for that cannot be permanently of intrinsic interest which is not seen in relation to the human ends it serves.[1] Many unskilled, and not a few skilled, workers are hardly more than flexible joints to the machines they tend—employed merely because they are a bit more flexible or less expensive than would be joints made of steel. Seeing not the large social ends that are served, the worker, who as a human being is also teleologically minded, substitutes for the real end the wage by-product. And then like the daughter of the horseleach that never cries enough, strikes for more and more and more. Employers are of course on the

[1] The degradation involved in spending one's life in work that he does not like accounts for the added emphasis of the English labor movement on something more than wages and decent conditions under which to work. The *Lounsbury-Herald* program in England declares: "Not only must we assure to all workers an income on which a reasonable life can be led; we must also create conditions in which work ceases to be mere drudgery under a ruling class, whether of bureaucrats or of capitalists . . . . the demand of the British democracy is that the mass shall be partners instead of servants, even though as partners their material condition is not better than it would be as servants" (Angell, *The British Revolution*, pp. 128, 138).

whole correct in their belief that if wages are raised, they must be raised again and again. But this is a judgment upon industry rather than a conviction of the workers; for how much mere wage will a man take in exchange for his soul and be fully satisfied with the bargain? Men who are interested in the ends intrinsic to the industrial process and who, having competence guaranteed, would pay to work rather than remain idle, find it difficult to understand why many workers continually complain at both their work and their wage. But the complaint is not thereby made unintelligible. Not all work, to be sure, is equally interesting even when the ends and the means are brought together; but no work is wholly drudgery if seen in its social setting.[1] And there is perhaps no work that would not be drudgery if wholly divorced from the social ends it serves. If one

[1] Speaking from practical experience with a modern industrial situation at its worst, in a state prison, Price P. Disque furnishes an illustration of what such equality as is here suggested involves by way of an initial attitude, a disposition to let workers have a share in the ends which they serve. "Men always perform better" says he, "when they understand what is to be done, and how, when and why. They can act so much more intelligently, and since no manager can foresee all the details, it renders it so simple for the subordinates to use the human intelligence, which most of

questions this, let him mention for his own critical judgment the form of activity that would be pleasant if one were driven to it by a tyrant who never permitted knowledge of the end served and who never spoke of the process except to correct the performance. Not even the fine arts could remain fine through such a test. And while the conditions in industry are not as hopeless as the illustration suggests, yet what discerning student of the social unrest doubts that its source lies just here—work that can never be adequately compensated for by a wage is compensated for in no other way? Nothing short of what may fairly be called "citizenship in industry" can meet the demand that equality must mean at least a sharing of the ends of activity.[1] Dewey has hardly over-

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them possess, when anything slips a cog." Regarding his proposal to the convict-laborers for the installation of such a system as would recognize this simple principle, he continues: "It was an experience of a lifetime to watch the general and gradual change in expression—first confusion, then doubt, then hope, and finally contentment, as far as that expression can be registered upon the faces of convicts" (*Atlantic Monthly*, pp. 129, 330).

[1] The fuller ethical background and implications of this philosophy of industry may be found in my *The Democratic Way of Life*, chap. v, "Democracy and the Day's Work" (University of Chicago Press, 1926).

drawn the picture of present industrial organization, when regarded from the point of view of meaningful equality.

An increasingly large portion of economic work is done with machines. As a rule, these machines are not under the personal control of those who operate them. The machines are operated for ends which the worker has no share in forming and in which as such, or apart from his wage, he has no interest. He neither understands the machines nor cares for their purpose. He is engaged in an activity in which means are cut off from ends, instruments from what they achieve. Highly mechanized activity tends, as Emerson said, to turn men into spiders and needles. But if men understand what they are about, if they see the whole, then the mechanizing effect is counterbalanced. But when a man is only a tender of a machine, he can have no insight and no affection; creative activity is out of the question.[1]

The age-old tragic dilemma of finding an achieved goal transformed into a kind of doom has thus been re-enacted in modern industry: the machinery that was to free man, enslaved him. It gave him leisure but furnished him, in the bargain—thanks to its unrelieved monotony—a machine-made per-

[1] Dewey, *Human Nature and Conduct*, pp. 143–44.

sonality that could use leisure only in further abuse of his once potential self. But the indictment rests not against industry alone. Dogmas in religion took the place of machines in industry; man achieved a certain growth only to find that, while some growth was counted to him for righteousness, to outgrow that growth was mortal sin. In no department of human interest have men more consistently been denied a genuine part in the forming and transforming of the ideals by which and for which they live than in the field of religion. And here leaders and led alike have succumbed to the conceptual tyranny. Unlike industry, in which there have always been the few who knew what they wanted and then got it, in the field of religion nobody knowing clearly what was wanted, everybody took what tradition offered and learned half to want what they got rather than discovering what was really wanted. Regarding as sacred what was changeless merely because it had not been changed, men have traditionally corrupted justice on earth because they had enthroned injustice in the heavens. And whatever adaptations were made—and of course no ideals can

remain genuinely unchanging in a world that does actually change—were ineffectively made, because the most honest of men have scrupulously guarded from the mind what the heart was doing. The maxim of equality that demands as a minimum a sharing of ends could never pass as a mere platitude in religion; for it demands, on the one side, that the values which men serve shall be the values of a living rather than of a dead generation and, on the other side, that, since these values must be constantly changing to fit them to a changing order, all men shall have a voice in their reconstruction.

Political life has found also its manacling counterparts: freedom of speech too easily becomes in perilous times the exclusive right to keep silent upon the matters thought most worth discussing; and freedom of contract, as toilsomely achieved, labor would oftentimes gladly surrender if it could. Secret diplomacy, made not notably less secret by the war, prepledges citizens to ends that they may be called upon to redeem at the cost of their lives, though they had no direct hand in shaping them and oftentimes would have disapproved them by decisive majorities

could they have been judged in advance of the challenge to patriotism.[1] To insist, then, that a philosophy of equality connotes a share by all men in the ends that the activities serve is to demand more transformation of the several great human interests as they exist today than can be adequately described in advance of the process of seeing such a principle begin to be sincerely applied. It is significant, if for no other reason, because it demands an equalizing of education, a passing around of the opportunity to develop insight, and to attain such imagination as sees the ideal interrelations of our complex civilization.

But no honest democrat can be content to stop with the psychological connotation of a philosophy of equality, however far-reaching transformations it may seem to promise. The *sine qua non* of all educational

[1] The notable words of Alanson B. Houghton, U.S. ambassador to Great Britain, as he spoke frankly at the 1927 Harvard University commencement exercises, represent a new level of insight and courage in diplomacy: "Our governments have shown themselves unable to protect us against war . . . . the great self-governing peoples must undertake a new experiment in democratic government and extend the right of suffrage into international affairs."

and cultural advantages, such as those emphasized above, is a more equal distribution of the material conditions of life than prevail in any civilized country. Property and, still more, income constitute the power to attain the decencies of life. These lacking, there is no other dependable guaranty of any of the great historic American rights—life, liberty, or the pursuit of happiness.[1] Moreover, the more specific one makes these rights, the more certain are they to be lacking in the absence of wealth or of an adequate income. At the present time the distribution of neither is such as to meet even the minimum demands of any respectable canon of justice.[2] The best available data[3] indicate that in 1910 the richest 2 per cent of Americans owned some 60 per cent of the wealth while the poorest four-fifths owned scarcely 10 per

[1] Cf. King, *op. cit.*, pp. 54 ff.

[2] Professor Tufts puts it with no more confidence than the situation warrants in declaring that "Few would say, if the total wealth of the country were placed in their hands for distribution: 'We would give the bulk of the whole to a small fraction, we will divide a lesser portion among a great many, and will leave a minute fraction to be distributed among a quarter of the people'" (*Philosophical Review*, XV, 368).

[3] King, *op. cit.*, pp. 80 ff.

cent, and that the richest 2 per cent of our population received 20 per cent of the total money income, while the poorest 65 per cent received less than 40 per cent.[1] This means that where there was little or no property on which to fall back, 39 per cent of American families had incomes as low as $700 per year.[2] For the year 1918, on somewhat fuller and more reliable data, the National Bureau of Economic Research was able to make the following estimates of the distribution of our national income.

The most prosperous one per cent. of the income receivers had nearly 14 per cent. of the total income, the most prosperous 3 per cent. of the income receivers had nearly 26 per cent. of the total, the most prosperous 10 per cent. of the income receivers had nearly 35 per cent. of the total, and the most prosperous 20 per cent. of the income receivers had about 47 per cent. of the total income.

It should be noted that when we start from the top of the income scale, we must go down to people receiving $8,000 per annum, in order to include one per cent. of the income receivers, similarly, to include 5 per cent. of the income receivers, we have to descend to incomes of $3,200–$3,300. To include 10 per cent., we must take in part of the $2,400 class; and

[1] *Ibid.*, pp. 234 ff. [2] *Ibid.*, pp. 230 n.

to include 20 per cent. we must include part of the $1,700–$1,800 class.[1]

The poor may barely live, but it is certain that they cannot live the good life without the economic means whereby to live. That the difficulty, however, is not wholly a matter of distribution is indicated by the fact that the total yearly income, had it been distributed equally, would have yielded for the year 1910 only $332 per capita, and for the year 1918 only $372 (allowing for the rise of prices).[2] This means for a family of five an income hardly exceeding $1,500 a year as a maximum.[3] While there is a level at which the foregoing difference would have marked the line between decent living and mere subsistence, even equal distribution would have made no one far above the needs of life, even granting that an equal distribution of income would not greatly decrease the total amount to be distributed. This indicates that a more fundamental problem than that of distribution is the dilemma either of increasing production or of decreasing population. That the former offers possibilities

[1] *Income in the United States*, p. 147.

[2] *Ibid.*, p. 144.

[3] King, *op. cit.*, p. 248.

is indicated by the fact that the committee of efficiency engineers appointed by Hoover have recently estimated that in certain basic industries our present productive system is not more than 50 per cent efficient. But amelioration in this direction waits on engineering skill and social psychology and must necessarily be gradual. That the latter is the easier and more rational would seem to be a truism to any unbiased student. Exclusion of immigration is dabbling at the problem that could be tackled manfully and set on the road to solution in a single generation, if a generation enlightened enough to give a compelling social sanction to voluntary limitation of families among the ignorant and poor could be magically raised up. No road is so short as this to amelioration, except for the fact that this road requires a certain freedom from superstition. Once this exception is stated, however, it is seen that even this road is long, especially in a country where half-living federal statutes still proscribe dissemination of knowledge regarding concrete means of birth control. While along one or both of these roads lies hope, this does not remove the injustice of the

present distribution of income and wealth. Indeed, it is quite probable that the first prerequisite toward either greater production by the unskilled or smaller families among the poor is larger incomes on which to base a rising standard of living. It is certain that larger incomes stimulate intelligence by making available the sources of information and that either an increase in education or an improvement in standard of living makes for smaller families. While then it may well be true that increased production through greater efficiency and larger cooperation on the one hand and smaller families on the other are the main means to the end of social justice and happiness, yet these means themselves have as a common necessary prerequisite a more equal distribution of the wealth and income already available. If one is not moved toward this logical conclusion by a desire for a just and happy social order, then he might well be inclined to it by fear of eventual revolution. "The road away from revolution," as a former President of the United States has recently phrased it, certainly does not lie along the path of a gradual concentration of the means whereby

men live into the hands of the few.[1] The way of happiness to the many is the road to social stability; and the road to happiness does not lie in the direction of a too complete denial to the many of the economic bases of life.

But a philosophy of functional equality need not run itself into social equality, or into any demand for the equal distribution of either wealth or income. It would merely demand such distribution as would contribute most toward the end of a happy and efficient society. This would probably gravitate toward equal shares in proportion as ignorance remained widespread and work continued therefore a drudgery. In proportion, however, as workers could be let in on the creative side of industry and could therefore become interested in their work for its own sake, there would probably be no demand for any near approach to quantitative equality, especially as regards wealth.[2] This implies, however, that income would be so

[1] Woodrow Wilson puts the point affirmatively and religiously, but his suggestion aims at the same end as is here proposed. (*Atlantic Monthly*, August, 1923, pp. 145–46.)

[2] The Guild Socialists have canvassed these possibilities systematically and constructively. A suggestive treatment will be found in Tawney, *An Acquisitive Society*.

equitably distributed as practically to eliminate poverty. If a living wage could be guaranteed to all workers and work could itself be made increasingly interesting, we might, even with gross inequality in distribution of wealth, approach among all classes the same general contentment that now prevails in the two most poorly paid professions—the ministry and teaching. Professor Tufts[1] has well pointed out that these professions, having relatively very little property and also a comparatively low income, are stabilizing influences in our society, because they find their satisfaction in what Veblen would call the "instinct of workmanship": they make not only things but construct and reconstruct ideals. Participation in the ends for which they work redeems their work from drudgery. This route certainly seems more promising than any socialistic proposal of reaching the goal by means of equal distribution of either income or wealth. Here both psychology and economics unite to counsel the same procedure.

It seems certain, however, that functional equality must demand a nearer approach to

[1] *Philosophical Review*, XV, 376.

equal distribution than we have at present, not because it sets up equal shares as a canon of justice but because the present standard of distribution stands in the way of realizing the happy and efficient social order that a philosophy of equality does set up as a goal. The present individualistic extreme threatens stability and defeats social justice; the socialistic extreme menaces maximum production, which must not only be maintained but even increased if the means for the good life are to be available for all. Somewhere between these two extremes lies that way which, like the path of the just, shineth more and more unto the perfect day. This *via media* can be discovered only by intelligent social experimentation, and there is no reason to suppose that it represents any static sum. Somewhere, then, between an ever increasing education for all and violent revolution by none, the wise must discover as best they can and maintain as best they may the golden mean that constitutes the dynamic concept of social justice.[1]

[1] Note also Professor Tufts' counsel against expectation of a permanent static result. "In this full sense of justice, I think no one can fail to see not merely that our system is not just, but that

We have for the moment turned aside from our theoretical discussion of the concept of equality to suggest what are its practical bearings. And even in the practical attempt we have not been able to dot our *i*'s and cross our *t*'s; for though we have asserted equality as one of our national ideals from the beginning, we are little, if any, closer to knowing what it may be safely made to mean in practice than when we began the American experiment in democracy. It would not be, therefore, without practical avail if we could call attention emphatically to the method whereby we may find out what equality may safely be made to mean in action. That, then, is our first proposal. We have attempted, however, to go somewhat beyond a mere suggestion of methodology. On the positive side, we have emphasized that equality must mean as a minimum that in actual practice all men shall understand and even have a hand in the formation of the ends intrinsic to their work, a proce-

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no distribution of property is likely to be just. . . . . I believe no system . . . . can be devised which will be true to all the complex life of its members—which will be fully just" (*Philosophical Review*, XV, 373).

dure which alone can give genuine significance to human activity. Chiefly as a means to this, we have insisted that equality must mean a more nearly equal sharing in income, if not in wealth, than is now possible. These, then, are the more specific contents of what we have called in the large "co-operation" and by the necessity and desirability of which we have sought functionally to justify equality for dynamic selves socially constituted. These considerations guaranteed, the details connected with the problem of distribution, usually emphasized in connection with equality, may well be left to future stages of the social process for settlement upon the broad principle of what may from time to time appear utility. But if the preceding account of the genesis and nature of human beings be correct, of this one thing we may be assured—that men will not rest, that indeed they cannot rest, except in an ever enlarging community of sharable goods.

APPENDIX A

THE SENECA FALLS DECLARATION OF SENTIMENTS[1]

When, in the course of human events, it becomes necessary for one portion of the family of man to assume among the people of the earth a position different from that which they have hitherto occupied, but one to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes that impel them to such a course.

We hold these truths to be self-evident: that all men and women are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights governments are instituted, deriving their just powers from the consent of the governed. Whenever any form of government becomes destructive of these ends, it is the right of those who suffer from it to refuse allegiance to it, and to insist upon the institution of a new government, laying its foundation on such principles, and organizing its powers in such form, as to them

[1] *History of Woman Suffrage*, pp. 70–71.

shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and accordingly all experience hath shown that mankind are more disposed to suffer while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their duty to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of the women under this government, and such is now the necessity which constrains them to demand the equal station to which they are entitled.

The history of mankind is a history of repeated injuries and usurpations on the part of man toward woman, having in direct object the establishment of an absolute tyranny over her. To prove this, let facts be submitted to a candid world.

He has never permitted her to exercise her inalienable right to the elective franchise.

He has compelled her to submit to laws, in the formation of which she had no voice.

He has withheld from her rights which are given to the most ignorant and degraded men—both natives and foreigners.

Having deprived her of this first right of a citizen,

the elective franchise, thereby leaving her without representation in the halls of legislation, he has oppressed her on all sides.

He has made her, if married, in the eye of the law, civilly dead.

He has taken from her all right in property, even to the wages she earns.

He has made her, morally, an irresponsible being, as she can commit many crimes with impunity, provided they be done in the presence of her husband. In the covenant of marriage, she is compelled to promise obedience to her husband, he becoming, to all intents and purposes, her master—the law giving him power to deprive her of her liberty, and to administer chastisement.

He has so framed the laws of divorce, as to what shall be the proper causes, and in case of separation, to whom the guardianship of the children shall be given, as to be wholly regardless of the happiness of women—the law, in all cases, going upon a false supposition of the supremacy of man, and giving all power into his hands.

After depriving her of all rights as a married woman, if single, and the owner of property, he has taxed her to support a government which recognizes her only when her property can be made profitable to it.

He has monopolized nearly all the profitable employments, and from those she is permitted to follow,

she receives but a scanty remuneration. He closes against her all the avenues to wealth and distinction which he considers most honorable to himself. As a teacher of theology, medicine, or law, she is not known.

He has denied her the facilities for obtaining a thorough education, all colleges being closed against her.

He allows her in Church, as well as State, but a subordinate position, claiming Apostolic authority for her exclusion from the ministry, and, with some exceptions, from any public participation in the affairs of the Church.

He has created a false public sentiment by giving to the world a different code of morals for men and women, by which moral delinquencies which exclude women from society, are not only tolerated, but deemed of little account in man.

He has usurped the prerogative of Jehovah himself, claiming it as his right to assign for her a sphere of action, when that belongs to her conscience and to her God.

He has endeavored, in every way that he could, to destroy her confidence in her own powers, to lessen her self-respect and to make her willing to lead a dependent and abject life.

Now, in view of this entire disfranchisement of one-half the people of this country, their social and religious degradation—in view of the unjust laws

above mentioned, and because women do feel themselves aggrieved, oppressed, and fraudulently deprived of their most sacred rights, we insist that they have immediate admission to all the rights and privileges which belong to them as citizens of the United States.

In entering upon the great work before us, we anticipate no small amount of misconception, misrepresentation, and ridicule; but we shall use every instrumentality within our power to effect our object. We shall employ agents, circulate tracts, petition the State and National legislatures, and endeavor to enlist the pulpit and the press in our behalf. We hope this Convention will be followed by a series of Conventions embracing every part of the country.

APPENDIX B

RESOLUTIONS ADOPTED BY THE SENECA FALLS CONVENTION[1]

WHEREAS, The great precept of nature is conceded to be, that "man shall pursue his own true and substantial happiness." Blackstone in his Commentaries remarks, that this law of Nature being coeval with mankind, and dictated by God himself, is of course superior in obligation to any other. It is binding over all the globe, in all countries and at all times; no human laws are of any validity if contrary to this, and such of them as are valid, derive all their force, and all their validity, and all their authority, mediately and immediately, from this original; therefore,

Resolved, That all laws which prevent woman from occupying such a station in society as her conscience shall dictate, or which place her in a position inferior to that of man, are contrary to the great precept of nature, and therefore of no force or authority.

Resolved, That woman is man's equal—was intended to be so by the Creator, and the highest good of the race demands that she should be recognized as such.

[1] *History of Woman Suffrage*, pp. 71–73.

Resolved, That the women of this country ought to be enlightened in regard to the laws under which they live, that they may no longer publish their degradation by declaring themselves satisfied with their present position, nor their ignorance, by asserting that they have all the rights they want.

Resolved, That inasmuch as man, while claiming for himself intellectual superiority, does accord to woman moral superiority, it is pre-eminently his duty to encourage her to speak and teach, as she has an opportunity, in all religious assemblies.

Resolved, That the same amount of virtue, delicacy, and refinement of behavior that is required of woman in the social state, should also be required of man, and the same transgressions should be visited with equal severity on both man and woman.

Resolved, That the objection of indelicacy and impropriety, which is so often brought against woman when she addresses a public audience, comes with a very ill-grace from those who encourage, by their attendance, her appearance on the stage, in the concert, or in feats of the circus.

Resolved, That woman has too long rested satisfied in the circumscribed limits which corrupt customs and a perverted application of the Scriptures have marked out for her, and that it is time she should move in the enlarged sphere which her great Creator has assigned her.

Resolved, That it is the duty of the women of this

country to secure to themselves their sacred right to the elective franchise.

Resolved, That the equality of human rights results necessarily from the fact of the identity of the race in capabilities and responsibilities.

Resolved, That the speedy success of our cause depends upon the zealous and untiring efforts of both men and women, for the overthrow of the monopoly of the pulpit, and for the securing to woman an equal participation with men in the various trades, professions, and commerce.

Resolved, *therefore*, That, being invested by the creator with the same capabilities, and the same consciousness of responsibility for their exercise, it is demonstrably the right and duty of woman, equally with man, to promote every righteous cause by every righteous means; and especially in regard to the great subjects of morals and religion, it is self-evidently her right to participate with her brother in teaching them, both in private and in public, by writing and by speaking, by any instrumentalities proper to be used, and in any assemblies proper to be held; and this being a self-evident truth growing out of the divinely implanted principles of human nature, any custom or authority adverse to it, whether modern or wearing the hoary sanction of antiquity, is to be regarded as a self-evident falsehood, and at war with mankind.

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